

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN DOE, JOHN DOE, SR. and JANE
DOE,

Plaintiff,

vs.

FATHER ERIC ENSEY, FATHER
CARLOS URRUTIGOITY, DIOCESE OF
SCRANTON, BISHOP JAMES C. TIMLIN,
THE SOCIETY OF ST. JOHN, THE
PRIESTLY FRATERNITY OF ST. PETER
and ST. GREGORY'S ACADEMY,

Defendant.

Case No.: 3 CV 02-0444

Judge: Hon. John E. Jones

**EXHIBITS SUBMITTED IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO THE MOTION FOR SUMMARY JUDGMENT
OF THE DIOCESE OF SCRANTON AND BISHOP JAMES TIMLIN**

James Bendell, being first duly sworn states that the attached exhibits are true and correct copies of the following documents:

- A. Pages from the Deposition of James Timlin.
- B. February 10, 1999 letter from Bishop Bernard Fellay to Bishop James Timlin.
- C. Decree of Erection of the Society of St. John.
- D. Provisions from the current Code of Canon Law of the Catholic Church.
- E. Pages of the Deposition/Statement under oath of Matthew Sellinger.
- F. November 5, 1999 letter from Bishop James Timlin to Bishop Bernard Fellay.
- G. A copy of the this District's Decision regarding the Swami Rama.

JOHN DOE, JOHN DOE, SR., : IN THE UNITED STATES DISTRICT
and JANE DOE, :
Plaintiffs : FOR THE MIDDLE DISTRICT OF PA

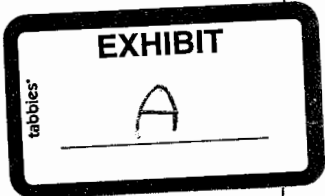
VS :

FATHER ERIC ENSEY, FATHER : CIVIL ACTION - LAW
CARLOS URRUTIGOITY, DIOCESE :
OF SCRANTON, BISHOP C. :
TIMLIN, THE SOCIETY OF ST. :
JOHN, THE PRIESTLY :
FRATERNITY OF ST. PETER, :
and ST. GREGORY'S ACADEMY, :

Defendants : No. 2000-CIVIL-2961

.....

TRANSCRIPT OF DEPOSITION of BISHOP JAMES
C. TIMLIN, as taken on behalf of the PLAINTIFFS, pursuant
to notice, before Gloria Anzalone, a certified shorthand
reporter in and for the County of Lackawanna, Commonwealth
of Pennsylvania, at the business offices of the Lackawanna
County Bar Association, 338 North Washington Avenue,
Scranton, PA 18503, on the 20th day of October, 2003,
commencing at 9:33 a.m. and concluding at 2:00 a.m., of
said day.



NEIL A. HELFANT REPORTING SERVICE 570-586-0346

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APPEARANCES:

FOR THE PLAINTIFFS: JAMES BENDELL, ESQUIRE

FOR DEFENDANTS ENSEY: SAL COGNETTI, ESQUIRE
AND URRUTIGOITY/ VINCENT CIMINI, ESQUIRE
SOCIETY OF ST. JOHN

FOR DEFENDANTS: JOSEPH O'BRIEN, ESQUIRE
DIOCESE OF SCRANTON/ JAMES O'BRIEN, ESQUIRE
BISHOP TIMLIN

FOR DEFENDANTS: JOSEPH LEESON, ESQUIRE
FRATERNITY OF ST. JOSEPH GAUGHAN, ESQUIRE
PETER/ST. GREGORY'S ACADEMY

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No questions by Mr. Cognetti

No questions by Mr. Joseph O'Brien

No questions by Mr. James O'Brien

No questions by Mr. Leeson

No questions by Mr. Gaughan

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STIPULATION

- 1
- 2 It is hereby stipulated by and between
- 3 counsel for the respective parties that reading,
- 4 signing, sealing, certification and filing are
- 5 waived.
- 6 It is further stipulated by and between
- 7 counsel for the respective parties that all
- 8 objections, except to the form of the questions, are
- 9 reserved to the time of trial.

- 10
- 11 BISHOP JAMES C. TIMLIN, called as a
- 12 witness, having been first duly sworn, was
- 13 examined and testified as follows:

EXAMINATION

- 14
- 15 BY MR. BENDELL:
- 16 Q Would you please state your name.
- 17 A Bishop James C. Timlin.
- 18 Q And where were you born?
- 19 A Scranton, Pennsylvania.
- 20 Q And what is your social security
- 21 number?
- 22 A 200-14-1691.
- 23 Q And when were you ordained into the
- 24 priesthood?
- 25 A July 16th, 1951.

4

1 Q And where were you ordained?
2 A **In Rome.**
3 Q And who ordained you?
4 A **Archbishop Martin J. O'Connor.**
Q And when did you become bishop of the
Diocese of Scranton?
7 A **September 21st, 1976 -- wait a minute.**
8 **The Bishop of Scranton, I was the auxiliary bishop in**
9 **'76, is that what you mean?**
10 Q I'm sorry, when were you made auxiliary
11 bishop, when were you ordained?
12 A **September 21st, 1976.**
13 Q And when did you become bishop?
14 A **June 7th, 1984.**
15 Q Would you please examine Exhibit 1.
16 MR. BENDELL: For the record these
17 are all documents -- I'm sorry?
18 MR. JAMES O'BRIEN: Are you going
19 to have copies to provide to everyone?
20 MR. BENDELL: I have copies of
21 everything, I thought I made enough for
22 everybody. But these are all documents --
23 I don't think there's any exception -- from
24 documents produced to us from the Diocese.
25 BY MR. BENDELL:

5

Q Do you recognize Exhibit 1?
2 A **I really have forgotten about it but**
3 **it's my letter apparently, yes.**
4 Q Who is Father Carlos Bernardo Terrera?
5 A **I think this is Father Carlos**
6 **Urrutigoity. I don't know why he was using that name**
7 **or why that was in there; I don't have any**
8 **recollection of that.**
9 Q Let me show you Exhibit 2. You wrote
10 an identical letter for Father Carlos, and if you'll
11 look at Exhibit 2 that may refresh your recollection
12 as to Exhibit 1 being for a different priest?
13 A **It certainly is not the same name so I**
14 **presume it's a different priest, but I really don't**
15 **have any recollection of it.**
16 Q So you don't know who Father Bernardo
17 is?
18 A **No.**
19 Q Has there ever been a Father Carlos
20 Bernardo Terrera incarnated as a priest in this
21 diocese?
A **Not to my knowledge.**
23 Q On page 2 of the letter, second
24 paragraph, it says, His duties at the Society of
25 Saint John will be to carry out the tasks entrusted

6

1 to the Society and described above. You don't recall
2 Father Carlos Bernardo Terrera becoming a priest of
3 the Society of Saint John?
4 A **I do not. That doesn't mean that he**
5 **didn't, I just don't recall it.**
6 Q Sure. If I can draw your attention to
7 Exhibit 2. Please review that, unless you already
8 have reviewed it?
9 A **I have.**
10 Q When was the first time you had any
11 contact with Father Urrutigoity?
12 A **It was around the middle of the 1990s,**
13 **I don't know the exact date.**
14 Q And how did that contact come about?
15 A **He came to see me in my office and he**
16 **was, had somebody else with him. And they at that**
17 **time were priests of the Society of Saint Pious X.**
18 **They had just left there, so they were on their own,**
19 **they were looking to be regularized in the church so**
20 **they came to see me and ask if I would help them, so**
21 **I did.**
22 Q And what year was that?
23 A **It would be around the 1990s, I can't**
24 **give you the exact year.**
25 Q Now in the 1990s what was the diocesan

7

1 procedure for investigating the background or the
2 suitability of persons who wished to be priests of
3 this diocese either through seminary or through some
4 other means?
5 A **Well, we take each case as it comes**
6 **along, there was no written-down policy that we had**
7 **at that time. In 1993 we had a policy with regard to**
8 **pedophilia and things like that.**
9 Q That was for charges made?
10 A **Yes.**
11 Q I'm talking about the initial screening
12 process.
13 A **We had a screening process for**
14 **seminarians but we didn't have any set policy with**
15 **regard to priests that come in as long as we took**
16 **each case as it came along and investigated it as we**
17 **found necessary. And in this case we didn't feel it**
18 **was necessary to go any further than the fact that he**
19 **was ordained a priest of the Society of Saint Pious X**
20 **and they had a reputation for being rather strict and**
21 **as far as requirements were concerned.**
22 **So they ordained him and we took him in**
23 **on that basis, and I asked the attorney for Saint**
24 **Peter to take them in and put them under their wing**
25 **as it were, that was an expression that we used, just**

8

1 to work out getting them regularized in the Catholic
2 Church because that was one of their charisms.
3 Q So as I understand it there was a
4 screening process for seminarians in the '90s?
5 A Yes.
6 Q Can you describe that process?
7 A We have a review board and the rector
8 of the seminary gathers all the pertinent
9 information, their educational background, their
10 psychological examination.
11 Q There's a psychological examination
12 given?
13 A Yes, absolutely. And then they gather,
14 Monsignor Bohr would gather all this stuff together
15 and then it's put to this board which is a rather
16 good-size board made up of priests. And this person
17 goes around and is interviewed by all these people
18 and then there's a meeting and I would chair that
19 meeting and we would discuss the candidate and they
20 would make their recommendation to me and I would,
21 most of the time I would follow that.
22 I'd say practically all the time I
23 follow their recommendation. They were very strict,
24 as far as that goes they were very good, they were
25 very good. But they went into everything and they

9

would make the recommendations, and they all looked
2 pretty good to me but I would follow their
3 recommendation. And they may have six people come in
4 and we'd reviewed them and they might recommend two.
5 Q Now this very intense scrutinizing
6 process did not take place with regard to the Society
7 of Saint John priests, is that correct?
8 A Not in the same fashion, no.
9 Q Well, in any fashion, describe any
10 fashion of scrutiny.
11 A Well, I interviewed them myself, of
12 course, and listened to them and then I put them
13 under the care of the Society of Saint John with the
14 understanding that they would get them regularized in
15 the church.
16 Q You mean you put them under the care of
17 the Fraternity of Saint Peter?
18 A Saint Peter, yes. Did I say --
19 Q You said Society of Saint John.
20 A No, that didn't exist yet. Society of
21 Saint Peter, Fraternity of Saint Peter, and asked
22 them if they would do me the favor of intervening for
23 them in Rome and getting them regularized, and they
24 graciously did so.
25 Q Now did you delegate to the Fraternity

10

1 of Saint Peter the task of scrutinizing these men for
2 their fitness?
3 A No, not specifically.
4 Q Now you mentioned before that you
5 didn't feel there was a need to scrutinize them
6 because the society --
7 A Excuse me. There's a need to
8 scrutinize them; there are varying degrees of that,
9 of course. I didn't think it was necessary to go and
10 unearth everything in their past because I figured
11 that had been done in spades.
12 Q By the Society of Pious X?
13 A Exactly.
14 Q Now did you know that they were asked
15 to leave the Society of Pious X?
16 A I knew that they were asked to leave
17 because they wanted to be regularized in the Catholic
18 Church.
19 Q How did you know that that's the
20 reason?
21 A That's what they told me.
22 Q Now my question is: When they came to
23 you and said, look, we want to be regularized, we
24 were asked to leave the Society of Pious X -- let me
25 finish the question, please.

11

1 A Sure.
2 Q Because we want to be regularized, did
3 you call or contact anybody at the Society of Pious X
4 to check that story?
5 A No.
6 Q So when Bishop Fellay eventually wrote
7 to you warning you about Father Urrutigoity, that was
8 the first contact you had with anybody in the Society
9 of Pious X regarding these Society of Saint John
10 priests?
11 A Right.
12 Q Why didn't you contact the Society of
13 Pious X originally -- let me finish the question,
14 please.
15 A I didn't say anything.
16 Q Okay, sorry for panicking. To find out
17 if their story was correct?
18 A The reason for that was because there
19 was obviously you might say bad blood between the two
20 groups and I didn't think it would be appropriate for
21 me to get involved with them because there was, they
22 were, you say they were expelled and they would
23 maintain it was more like they left on their own, so
24 maybe it was a mutual parting of the ways.
25 But in any event they obviously would

12

1 not being happy with them leaving the way they did,
2 and so I figured that there's no point in asking them
3 what they would think about it.

4 Q I want to show you Exhibit 3. Please
5 examine Exhibit 3. Does Exhibit 3 appear to be a
6 copy of the letter you received from Bishop Fellay
7 regarding Father Urrutigoity and the alleged
8 misconduct he committed against Mathew Selinger?

9 A Would you say it again.
10 (Whereupon, the reporter read back the
11 referred-to testimony.)
12 THE WITNESS: It appears to be the
13 same material there, it's not the same
14 letter though. I don't recall it being the
15 same letter, but the facts in there that he
16 mentioned -- the letter that I got from
17 Bishop Fellay was not as complete as this.

18 BY MR. BENDELL:
19 Q Well, this letter was provided to us by
20 the diocesan attorneys, so it's your testimony that
21 you don't think you've ever seen this letter before?

22 A I remember the facts in the letter but
23 I don't remember seeing the letter. This is back in
24 1999 so it's a long time ago, over four years ago.

25 Q You think there may have been two

13

letters?

2 A I don't recall whether there were two
3 letters or what, but I remember him writing to me and
4 the information that he gave me was there. But as
5 far as him being expelled from other places and so
6 forth, I don't recall those particular facts in his
7 letter to me. The letter that I recall receiving
8 from him was about Mathew Selinger.

9 Q And this refers to Mathew Selinger,
10 doesn't it?

11 A Yes.

12 Q Now what action did you take in
13 response to this letter?

14 A We investigated it thoroughly in my
15 mind. I went to see Father Urrutigoity -- how do you
16 pronounce it? I went to see him immediately up at
17 Saint Gregory's Academy, I called to see if he was
18 there and he wasn't. I went right up and showed him
19 the letter and he denied that there was any
20 wrongdoing there, absolutely denied it. And I put it
21 to him very clearly that this is a serious allegation
22 and the ramifications and so forth, and he absolutely
23 denied that it happened. I felt that we had to
24 follow-up with and investigation, that he denied it,
25 of course that's clear. So what I did is I asked

14

Bishop Dougherty and an attorney.

2 Q Who was the attorney?

3 A Can you help me out with the name?
4 MR. JAMES O'BRIEN: It was not me.
5 All the documentation indicates that it was
6 me but I was replaced with a fellow from
7 Luzerne County. I'll get you his name, I
8 forgot his name.

9 THE WITNESS: Anyway, he was a
10 member of the diocese and a good man, to
11 make the trip out there to interview Mathew
12 Selinger, and they did. And then they came
13 back -- do you want me to give you the
14 whole story?

15 BY MR. BENDELL:

16 Q Yes, but how many folks went out? I'm
17 trying to --

18 A There were two I believe.

19 Q Okay. Yes, go ahead, please continue.

20 A They went out --

21 MR. JAMES O'BRIEN: Father Kopacz.

22 THE WITNESS: And Father Kopacz,
23 that's right, the three of them. He was
24 our vicar for priests; the three of them
25 went up. And, excuse me if I can't

15

1 remember exactly the facts because it's so
2 long ago, but I remember that we sent a
3 delegation out there anyway and they
4 interviewed him thoroughly.

5 BY MR. BENDELL:

6 Q Interviewed Mathew?

7 A Yes, and they felt that, you know, he
8 was an upright man and so forth and a good man and
9 they felt that he was a good person, and they took
10 what he said and they came back and reported. We had
11 a meeting then of what we call an Independent Review
12 Board.

13 Q Do you remember who was on the Board at
14 that time?

15 A Yes, I do.

16 Q And who would that be?

17 A Well, it was a large board, there was a
18 number of people, I don't have the list of them here.
19 But it was Judge Geroulo, Carl Frank, an attorney
20 from Wilkes-Barre, Dr. Margaret Hogan, a professor at
21 Kings College. We had Father Kopacz I think was on
22 the Board at that time, too, he would be one, and Jim
23 O'Brien was on that board. That's going back to
24 1993, we've changed it since then, some people have
25 resigned and so forth.

16

1 We had a sister from the Sisters of
 2 Mercy in Dallas, she was on the Board at that time as
 3 I recall. And we had Dr. Barrett I believe, a
 4 psychologist, he was on the Board, too, at that time.
 5 He's retired since then. So those are the names that
 6 come to me. Bishop Dougherty would be there, too, he
 7 would be present for all those things, and myself.
 8 That pretty substantially would be the Board, and
 9 they thrashed the whole thing out from all angles,
 10 every which way, and they said that it's
 11 inconclusive.

12 Q What does that mean, inconclusive?

13 A They could not come to a conclusion as
 14 to whether he was guilty or not.

15 Q And so based upon that decision or that
 16 analysis, what did you do at that point?

17 A There was nothing that I could do at
 18 that point, there was no way I could inflict any
 19 penalty or all of that because he hasn't been proven
 20 guilty. And so that was the end of that, I mean we
 21 did all, we felt we did we all we could.

22 Q Well, you said you felt you did all you
 23 could. Did you also contact the folks in Argentina
 24 that are referenced in this letter?

25 A No.

17

Q Why not?

2 A That's why I say I don't remember
 3 anything in there about Argentina. I remember that
 4 his explanation of that was slightly different than
 5 what's in this letter.

6 Q You say his, who is his?

7 A Father Urrutigoity.

8 Q What was his explanation?

9 A His explanation was they had a
 10 particular friendship of some kind but nothing sinful
 11 and nothing wrong, and they had some flout about
 12 that. But then we felt that they kept him. That's
 13 not in there, I don't remember reading that in that
 14 letter, to me he didn't go through all that. They
 15 took him out of there and put him up in Winona,
 16 ordained him a priest and put him as a member of the
 17 faculty of the seminary.

18 Q They being the Society of Pious X?

19 A Society of Pious X. So I mean
 20 apparently they didn't think that that was, from our
 21 review that there was anything wrong in Argentina.
 22 Why would they take him up to this country and ordain
 23 him a priest and put him in a seminary teaching other
 24 seminarians if there was something that they had
 25 against him. So, again, we felt that there was

18

1 nothing against him in Argentina.

2 Q So you felt there was no need to
 3 investigate the charges in Argentina?

4 A Correct.

5 Q Now you felt there was no canonical
 6 penalties that you could inflict upon Father
 7 Urrutigoity. Question: Did that mean that you had
 8 to leave him in a situation where he would have
 9 access to minor boys?

10 A I wouldn't be obliged to do anything
 11 actually but I mean we did not feel that there was
 12 anything -- he was not in charge of boys at that
 13 time. If I recall he was still living up at the
 14 Saint Gregory Academy. The Fraternity of the Society
 15 of Saint John really had not begun to, it was
 16 beginning to function, just beginning, but they
 17 didn't have any house of their own. He was not in
 18 charge of the boys at Saint Gregory's.

19 Q But he was living at Saint Gregory's
 20 Academy?

21 A Living there.

22 Q And he interacted with the boys?

23 A I guess he did, I hear he did but we
 24 didn't assign him there.

25 Q But you knew he was there?

19

1 A I knew he was there, yes, I sent him
 2 there.

3 Q And you knew that boys slept overnight,
 4 I mean it's not a day school, it's an overnight
 5 sleeping school, right?

6 A That's right.

7 Q And when did Father Urrutigoity become
 8 head of the Society of Saint John?

9 A Well, it would be the middle -- not the
 10 middle, after, a couple years after he came here. He
 11 came here in the middle 1990s, '95, '96 something
 12 like that, so it would be a couple years after that.

13 Q And did he assume that role with your
 14 permission?

15 A Yes.

16 Q And you gave your permission -- excuse
 17 me if I'm asking the obvious -- after you received
 18 Exhibit 3 from Bishop Fellay?

19 A Yes, it would have to be after that I
 20 believe. It would be close to that that he started
 21 the society, yes.

22 Q But you allowed him to become head of
 23 the society notwithstanding the information provided
 24 to you by Bishop Fellay?

25 A That's correct.

20

1 Q I show you Exhibit 4.
2 (Whereupon, a brief discussion was held off
3 the record.)
4 THE WITNESS: Yes, okay.
5 BY MR. BENDELL:
6 Q Do you recognize Exhibit 4 as a letter
7 that you wrote in November of '99 to Bishop Fellay?
8 A I do.
9 Q I show you Exhibit 5. Do you recognize
10 Exhibit 5 (indicated)?
11 A All right.
12 Q Is that a letter that you wrote in
13 October of 2000 to Thomas Droleskey. The fourth
14 paragraph down it says, quote, I am morally certain
15 that there has been no wrongful, unlawful, or
16 capricious use of funds on the part of the Society of
17 Saint John. Unquote. And was that your opinion in
18 October of 2000?
19 A It was.
20 Q Is that your opinion now?
21 A Yes, I would say so.
22 Q I show you Exhibit 6.
23 A Yes.
24 Q Is that a memo that you've seen before?
25 A No.

21

Q In there it says, quote, I thought you
2 should be aware that Walsh, et. al., are still out
3 there warring --
4 MR. JAMES O'BRIEN: Where is this?
5 This is not in the document you gave us.
6 MR. BENDELL: Sure it says.
7 MR. JAMES O'BRIEN: Exhibit 6?
8 That's what you gave us.
9 MR. BENDELL: Yes. It says, quote,
10 I thought you should be aware --
11 MR. JAMES O'BRIEN: I'm sorry. Go
12 ahead.
13 MR. BENDELL: -- that Walsh, et.
14 al., are still out there warring against
15 the society. Unquote.
16 THE WITNESS: Yes.
17 BY MR. BENDELL:
18 Q Do you know if that refers to Howard
19 Walsh?
20 A I believe it does.
21 Q You believe that Howard Walsh was
warring against the Society of Saint John?
23 MR. COGNETTI: I object to the form
24 of the question. You use the term quote as
25 if it were a quote from the bishop and it

22

1 is not a quote --
2 MR. BENDELL: No, it's a quote --
3 it's from Father Urrutigoity. I'm asking
4 this bishop --
5 MR. COGNETTI: No, it's not from --
6 MR. BENDELL: I'm sorry, from
7 Earley to Father Urrutigoity.
8 MR. JAMES O'BRIEN: You're asking
9 him if he agrees with that?
10 MR. BENDELL: Yes.
11 THE WITNESS: I would not use the
12 word warring except in a very loose term.
13 They did not see eye to eye if that's what
14 you mean, but warring is a rather strong
15 word, I don't think I would use that word,
16 but that's not expression here.
17 BY MR. BENDELL:
18 Q Okay. I show you Exhibit 7. This is a
19 little bit longer, please take your time to read it
20 over. If you wanted to say something else, I'm sorry
21 if I interrupted you.
22 A Again, you're asking me wrong. If you
23 mean unlawful or capricious use of funds, and that's
24 what I'm responding to, those words that you use.
25 They do anything wrongful, unlawful or capricious and

23

1 I said, no, not to my knowledge. Now that doesn't
2 mean necessarily that there are people that disagreed
3 with what they were doing. Mr. Walsh obviously
4 felt that they were not -- I mean was it wrongful,
5 unlawful, or capricious? I don't think so.
6 Q Okay, fine.
7 A Okay. What do you want to ask me
8 about?
9 Q Have you ever seen that affidavit
10 before?
11 A No, I don't recall seeing it before. I
12 heard of this Jude Huntz. I don't know him, I never
13 met him. I heard his name mentioned, but I remember
14 that -- I did also hear someplace along the line that
15 he retracted this.
16 Q My question is you've never seen this
17 affidavit before?
18 A I don't recall seeing it, no. But I do
19 recall that some of the things in here are just not
20 accurate at all.
21 Q Why don't you tell us what's not
22 accurate.
23 A It says, When the police arrived Father
24 Carr escorted them to the wing of Society of Saint
25 John. The police never arrived, the police were

24

<div> <div>Case 0:02-cv-00444-JE Document 104 Filed 07/19/04 Page 8 of 40</div> <div> <div>1 never called, that's all hearsay. And the people</div> <div>2 that were involved said they were never called, they</div> <div>3 never arrived. So I think that a lot of this stuff</div> <div>4 in here is along the same lines that it's hearsay and</div> <div>5 conjecture, and I believe that he has, himself, has</div> <div>6 come back to that understanding now.</div> <div>7 So I can't, I couldn't believe anything</div> <div>8 that was in here because it's so off-the-wall as it</div> <div>9 were. Father Carr is the one that's supposed to have</div> <div>10 called the police and he said that they never came,</div> <div>11 they never came at all. They never called them.</div> <div>12 Q Anything else you disagree with?</div> <div>13 MR. JAMES O'BRIEN: I object to</div> <div>14 that. This is a lengthy document that the</div> <div>15 bishop I'm sure has not read word for word</div> <div>16 and I don't want the inference that he</div> <div>17 agrees with everything other than what he</div> <div>18 says he doesn't.</div> <div>19 THE WITNESS: Yes. And, again, he</div> <div>20 says, When I returned from my trip I was</div> <div>21 informed by a faculty member, etc. So</div> <div>22 therefore it's hearsay again.</div> <div>23 MR. JAMES O'BRIEN: Let me take a</div> <div>24 break here. Do you want the bishop to take</div> <div>25 15 minutes and read this and give you a</div> <div>25</div> </div> </div>	<div> <div>1 that your response to his request?</div> <div>2 A It is.</div> <div>3 Q And you granted his request?</div> <div>4 A I did.</div> <div>5 Q And what happened, did he go into a</div> <div>6 contemplative community?</div> <div>7 A He never did go, no.</div> <div>8 Q Do you know why?</div> <div>9 A Not really.</div> <div>10 Q Do you know why he was --</div> <div>11 A It's conjecture but I don't know. You</div> <div>12 asked me if I know, I don't really know.</div> <div>13 Q Do you have any suspicions as to why he</div> <div>14 didn't?</div> <div>15 A I think he felt that he had to stay</div> <div>16 here and settle this matter, these allegations that</div> <div>17 were being made against him. That's just my, in</div> <div>18 general that would be my reason, or his reason for</div> <div>19 doing it. He was obviously very upset about these</div> <div>20 allegations --</div> <div>21 Q Which are allegations are you talking</div> <div>22 about now?</div> <div>23 A Mr. Selinger and all the other things</div> <div>24 that were being said by Mr. Howard Walsh, the whole</div> <div>25 smear of things. He just felt that that was unfair</div> <div>27</div> </div>
<div> <div>list of what he agrees with and --</div> <div>2 MR. BENDELL: No, I don't need to</div> <div>3 ask anymore questions about this exhibit.</div> <div>4 MR. COGNETTI: And, Jim, since you</div> <div>5 mention local rules, I want you to know</div> <div>6 there's a local rule in the Middle District</div> <div>7 that limits you to six hours.</div> <div>8 MR. BENDELL: This will be done in</div> <div>9 six hours.</div> <div>10 MR. COGNETTI: Okay, just so you</div> <div>11 know.</div> <div>12 BY MR. BENDELL:</div> <div>13 Q Please examine Exhibit 8.</div> <div>14 A Okay.</div> <div>15 Q Now Exhibit 8 is comprised of two</div> <div>16 letters. The first letter is dated September 29,</div> <div>17 2001. Does that appear to be a copy of a letter you</div> <div>18 received from Father Urrutigoity at that time?</div> <div>19 A It does.</div> <div>20 Q And calling to your attention the</div> <div>21 second paragraph where it says, quote, I would like</div> <div>22 to be allowed to spend a prolonged time or even to</div> <div>23 join a strictly contemplative community as soon as</div> <div>24 possible in the present circumstances. Unquote.</div> <div>25 Then the October 8 letter that's attached to it, is</div> <div>26</div> </div>	<div> <div>1 and -- anyway he actually, I gave him permission to</div> <div>2 go but I didn't order him to go so. There was never</div> <div>3 any, I may say this: As has been alleged, there was</div> <div>4 never any quid pro quo here with regard to you leave</div> <div>5 the society and, therefore, I will drop all the</div> <div>6 charges or anything like that.</div> <div>7 There was never anything like that and</div> <div>8 that was alleged and I felt very strongly that that</div> <div>9 was a most uncharitable and unfair and untrue. This</div> <div>10 letter explains why I gave him permission because he</div> <div>11 asked for it. Period.</div> <div>12 Q I'm going to show you Exhibit 9.</div> <div>13 A Yes.</div> <div>14 Q This was provided to us by the diocesan</div> <div>15 attorneys and at the top it indicates that it was a</div> <div>16 draft of a letter that was not sent, is that correct?</div> <div>17 A Right. That's my writing up there.</div> <div>18 Q On page 2 it says, this is addressed to</div> <div>19 Dr. Bond, If you're willing to start from where you</div> <div>20 are, financially and otherwise, if you're willing to</div> <div>21 stop attacking Father Urrutigoity and the Society,</div> <div>22 publicly and privately, and leave these matters in my</div> <div>23 hands and if I can convince the Society to do the</div> <div>24 same, then I believe there is some hope for success</div> <div>25 in the Society and the college. Unquote. Do I</div> <div>28</div> </div>

1 understand you to be saying that if D. Bond would
2 stop criticizing Father Urrutigoity, he would be
3 allowed to start the college?
4 A **No.**
5 Q What does that sentence mean?
6 A **That sentence means if you would stop**
7 **attacking everybody connected with the Catholic**
8 **Church, for crying out loud, he was blasting at**
9 **everybody, everybody and anybody and warring it, that**
10 **would be a proper word to use in that context, in**
11 **other words if he would stop these public**
12 **announcements and inflammatory messages to thousands**
13 **of people, that if he could just kind of sit down and**
14 **we could come, see if we could come to some kind of**
15 **resolution here.**
16 **That's a very interesting story and I**
17 **don't know whether you want to hear it now or not,**
18 **but that's what that means. There's no, as I say no**
19 **quid pro quo, you know? As I say, if we can resolve**
20 **this difficulty between you and the Society, and**
21 **there was a difficulty there, he wanted to separate**
22 **himself from the Society completely and have an**
23 **independent college all by himself, separate from the**
24 **college.**
25 **And I said, Well, it's all right with**

29

me if it's all right with the Society. It's their
2 baby. They're the ones, it's their Society and their
3 college. They're the ones, it's their idea and so
4 forth. And if it's all right with them, then it
5 would be all right with me. At that point, now
6 things have changed since then, it was October, I
7 believe October of that year, this came after, this
8 is November, because I had talked to Father Munkelt
9 and I said the same thing to him, that I would be
10 happy to resolve this thing in an amicable way if you
11 can do something about it.
12 **I mean he could start a Catholic**
13 **college obviously, anybody can. A college rather,**
14 **not a Catholic college. He could start a college,**
15 **anybody can do that if they want to do that; it would**
16 **not be my concern. Would it be a Catholic college?**
17 **No, it would not be a Catholic college. But he could**
18 **start that and if things ameliorated, eventually it**
19 **could become a Catholic college possibly.**
20 **But it was not all right with the**
21 **Society for him to leave, and I tried to get the two**
22 **of them together to resolve the difficulty and see**
23 **what they could work out and they just were unwilling**
24 **to give permission, they just did not want him to**
25 **separate themselves from the college and start it.**

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1 **And so I finally wrote a letter, you probably have**
2 **that letter in October I remember and said I'm sorry**
3 **that it's come to this stage, that we just can't**
4 **resolve this matter and I cannot see, I regret to**
5 **tell you I cannot see my way clear to give permission**
6 **to start a Catholic college in Milford when things**
7 **are so contentious that they're bordering on scandal,**
8 **and that's when this thing went haywire.**
9 Q I'll show you Exhibit 10.
10 A **Yes.**
11 Q Is that a statement authored by you?
12 A **Yes.**
13 Q Now in the second paragraph it talks
14 about, quote, immoral sexual behavior, unquote,
15 alleged against Father Urrutigoity. Do you see that?
16 A **Um-hum.**
17 Q In the same paragraph it says, All the
18 allegations made against Father Urrutigoity have been
19 investigated.
20 A **Um-hum.**
21 Q Now, in fact, you did not investigate
22 the Argentina allegations, did you?
23 A **Well, we looked at them, we looked at**
24 **the thing that was brought to our attention.**
25 **Eventually it was brought to our attention that**

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1 **that's what they were saying, so obviously we heard**
2 **about them and looked at them and put them in that**
3 **category as I explained earlier, that these are**
4 **unsubstantiated as far as we were concerned again.**
5 **And the Society and all who were**
6 **connected with this were most cooperative in helping**
7 **us to find out what we could. So we came to the**
8 **conclusion as we did with Mathew Selinger that there**
9 **was no reason for us to do anything further than what**
10 **we did.**
11 Q With Mathew Selinger you testified that
12 it was inconclusive as to everything that happened?
13 A **We did not know what happened in**
14 **Argentina. We were not in Argentina, we never heard**
15 **from anybody in Argentina. Nobody ever said anything**
16 **to us at all about Argentina except what we read in**
17 **those other things.**
18 Q But you never wrote to anybody in
19 Argentina asking, did you?
20 A **Never.**
21 Q Now in the fourth paragraph it says,
22 Without going into great detail --
23 A **How about the third paragraph there,**
24 **the third paragraph. You repeated these things I**
25 **think yourself and I'm still waiting for that**

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1 apology. Remember the statements were attributed to
2 Bishop Dougherty and myself and taken out of context
3 in those articles and twisted to support this
4 erroneous and inaccurate betrayal, and remember I
5 spoke to you about that and you said I'll correct
6 that. And you spoke to Bishop Dougherty, Bishop
7 Dougherty was outraged. You don't know Bishop
8 Dougherty, you'll see him tomorrow I guess, but I can
9 tell you that he was outraged that anything like that
10 would even --
11 Q Bishop Timlin, I will never apologize
12 for anything I said to you or did in this case. I'm
13 quite proud of it, and on the judgment day I hope you
14 feel the same way before God.
15 MR. COGNETTI: All right, all
16 right.
17 MR. JAMES O'BRIEN: Let's stop this
18 nonsense.
19 THE WITNESS: I'll apologize for
20 something that. I've done that's wrong.
21 If you don't want to apologize, you don't
22 have to.
23 BY MR. BENDELL:
24 Q I've never done anything wrong in this
25 case.

33

A You said that Bishop Dougherty said
2 something to me and I disregarded that and I went
3 over his head, and you put that in print. And I
4 called you about that.
5 Q Everything I said was true.
6 A That was not true.
7 Q Then you need to sue me for liable.
8 A No, I'm not going to sue anybody. I'm
9 not going to go out suing people, that's your
10 business but I am not going to sue anybody.
11 Q Now getting to the fourth paragraph --
12 A But I mean that's a point that I want
13 to make. Now if you get angry about it, that's your
14 business, too, and you can holler and shout about it.
15 Q I'm not angry.
16 A You're not? Okay. You sound angry but
17 go ahead.
18 Q I'm angry that a boy was molested and
19 you don't seem to give a dam.
20 A Don't you dare say that to me. Don't
21 you dare say that to me. Don't you say anything like
22 that to me. I'll get very angry if you accuse me of
23 something like that because that's not true. Never
24 mind why it's not true, you said something and I said
25 it's not true, and I'll not sit here and let you

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104 accuse me of saying something like that or doing
2 something like that. How dare you say that. I don't
3 care whether a boy is molested or not. How could you
4 come to a conclusion like that?
5 Q Did you make any public statements that
6 you said the boy was unstable?
7 A I said that someone told me he was
8 unstable. I don't know the boy.
9 Q You said that publicly, didn't you,
10 Bishop?
11 A I said it someplace, I don't know where
12 I said it.
13 Q And you don't know the boy and yet you
14 made a public statement that he was unstable, didn't
15 you, Bishop?
16 A I didn't say he was, I said I
17 understand, that's what I was told. Do I care about
18 whether that boy was molested or not? Absolutely, I
19 care much more than you care.
20 Q Then why would you say that he's
21 unstable if --
22 A Because that's a fact.
23 MR. JAMES O'BRIEN: Object to the
24 question, it's argumentative.
25 BY MR. BENDELL:

35

1 Q You said that you don't know that --
2 (Whereupon, more than one person spoke at
3 the same time and this reporter could not
4 decipher any testimony.)
5 THE WITNESS: I don't know the boy
6 but that's what I was told, that he was a
7 problem -- his own mother told me he was a
8 problem boy.
9 BY MR. BENDELL:
10 Q And you felt that you should tell that
11 to the public?
12 A No, well, I'm being questioned about
13 it, what am I going to say? I mean I tell the truth.
14 But to accuse me of something like that, I'm very
15 surprised that you would do anything like that as an
16 attorney, and as a Catholic that you would think for
17 one second that I would ever do anything like that.
18 How could you possibly say a thing like that?
19 Q Because most of the bishops in this
20 country have the same --
21 A Don't you dare say that, either.
22 Q It's true.
23 A It's not true.
24 MR. JAMES O'BRIEN: We're going to
25 adjourn this deposition. We're going to

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<div> <div>1</div> <div>adjourn the deposition if you don't ask</div> </div> <div> <div>2</div> <div>legitimate questions.</div> </div> <div> <div>3</div> <div>MR. BENDELL: I'm willing to ask a</div> </div> <div> <div>4</div> <div>question if he stops screaming.</div> </div> <div> <div>5</div> <div>THE WITNESS: I admit I'm screaming</div> </div> <div> <div>6</div> <div>and I apologize for screaming, but I feel</div> </div> <div> <div>7</div> <div>very strongly about this, much more</div> </div> <div> <div>8</div> <div>strongly than you do. Go ahead now.</div> </div> <div> <div>9</div> <div>MR. LEESON: Excuse me, Jim. I</div> </div> <div> <div>10</div> <div>have an objection to make, Jim, concerning</div> </div> <div> <div>11</div> <div>your comments. The purpose of a deposition</div> </div> <div> <div>12</div> <div>is for an attorney to ask</div> </div> <div> <div>13</div> <div>questions respectfully of a --</div> </div> <div> <div>14</div> <div>MR. BENDELL: You don't have to</div> </div> <div> <div>15</div> <div>lecture me what it's about, but he was</div> </div> <div> <div>16</div> <div>making charges --</div> </div> <div> <div>17</div> <div>MR. JAMES O'BRIEN: No, you've</div> </div> <div> <div>18</div> <div>changed it into an argument.</div> </div> <div> <div>19</div> <div>MR. BENDELL: No, he said --</div> </div> <div> <div>20</div> <div>(Whereupon, more than one person spoke at</div> </div> <div> <div>21</div> <div>the same time and this reporter could not</div> </div> <div> <div>22</div> <div>decipher any testimony.)</div> </div> <div> <div>23</div> <div>MR. LEESON: Excuse me, stop</div> </div> <div> <div>24</div> <div>interrupting me. I have an object to make</div> </div> <div> <div>25</div> <div>about your conduct. In the Middle District</div> </div> <div> <div>37</div> <div></div> </div>	<div> <div>1</div> <div>stick with the</div> </div> <div> <div>2</div> <div>MR. BENDELL: It will help me to</div> </div> <div> <div>3</div> <div>accommodate Mr. Leeson's goals, which are</div> </div> <div> <div>4</div> <div>totally reasonable, if you can instruct the</div> </div> <div> <div>5</div> <div>witness only to answer questions.</div> </div> <div> <div>6</div> <div>MR. JAMES O'BRIEN: Bishop, just</div> </div> <div> <div>7</div> <div>answer the question that he's asked.</div> </div> <div> <div>8</div> <div>THE WITNESS: I'll be happy to do</div> </div> <div> <div>9</div> <div>that.</div> </div> <div> <div>10</div> <div>MR. JAMES O'BRIEN: Thank you.</div> </div> <div> <div>11</div> <div>BY MR. BENDELL:</div> </div> <div> <div>12</div> <div>Q Okay, going to Paragraph 4 it says,</div> </div> <div> <div>13</div> <div>Without going into great detail, suffice it to say</div> </div> <div> <div>14</div> <div>that everything mentioned in the scurrilous materials</div> </div> <div> <div>15</div> <div>disseminated publicly and privately have been</div> </div> <div> <div>16</div> <div>thoroughly investigated. That's what it says, isn't</div> </div> <div> <div>17</div> <div>it?</div> </div> <div> <div>18</div> <div>A Yes.</div> </div> <div> <div>19</div> <div>Q Tell us how those allegations have been</div> </div> <div> <div>20</div> <div>thoroughly investigated at that time, which is</div> </div> <div> <div>21</div> <div>November of 2001?</div> </div> <div> <div>22</div> <div>A Which allegations are you talking</div> </div> <div> <div>23</div> <div>about?</div> </div> <div> <div>24</div> <div>Q Well, whatever ones you're referring</div> </div> <div> <div>25</div> <div>to. It says here, mentioned in the scurrilous</div> </div> <div> <div>39</div> <div></div> </div>
<div> <div>2</div> <div>all the attorneys who come here to practice</div> </div> <div> <div>3</div> <div>and are licensed here to practice conduct</div> </div> <div> <div>4</div> <div>themselves in accordance with standards of</div> </div> <div> <div>5</div> <div>civility well recognized by the Bench and</div> </div> <div> <div>6</div> <div>Bar of this district. We expect no less of</div> </div> <div> <div>7</div> <div>you.</div> </div> <div> <div>8</div> <div>Your comments so far have been</div> </div> <div> <div>9</div> <div>argumentative and insulting. You may hold</div> </div> <div> <div>10</div> <div>your personal opinions but this is not the</div> </div> <div> <div>11</div> <div>forum to share those opinions and argue</div> </div> <div> <div>12</div> <div>with the witness. If this persists, I'm</div> </div> <div> <div>13</div> <div>going to suggested that remedial action of</div> </div> <div> <div>14</div> <div>some type be taken with the judges because</div> </div> <div> <div>15</div> <div>this is wholly inappropriate. And I</div> </div> <div> <div>16</div> <div>suggest that we proceed with the deposition</div> </div> <div> <div>17</div> <div>in a gentlemanly-like fashion with the</div> </div> <div> <div>18</div> <div>questions and the answers.</div> </div> <div> <div>19</div> <div>MR. BENDELL: Everything you told</div> </div> <div> <div>20</div> <div>me I already know. Let me say as counsel</div> </div> <div> <div>21</div> <div>for the Diocese, I'm going to ask only</div> </div> <div> <div>22</div> <div>questions. Before I asked a question about</div> </div> <div> <div>23</div> <div>Paragraph 4, the Bishop made an editorial</div> </div> <div> <div>24</div> <div>comment about Paragraph 3. It will help</div> </div> <div> <div>25</div> <div>me --</div> </div> <div> <div>38</div> <div></div> </div>	<div> <div>1</div> <div>materials.</div> </div> <div> <div>2</div> <div>A One of the things was when they said</div> </div> <div> <div>3</div> <div>that Bishop Dougherty and I were at odds about these</div> </div> <div> <div>4</div> <div>things. That certainly was scurrilous and that was</div> </div> <div> <div>5</div> <div>untrue, and I know Bishop Dougherty very well and he</div> </div> <div> <div>6</div> <div>would deny that categorically. I don't remember what</div> </div> <div> <div>7</div> <div>other scurrilous things there were at that particular</div> </div> <div> <div>8</div> <div>time.</div> </div> <div> <div>9</div> <div>Q Okay. I'm going to show you Exhibit</div> </div> <div> <div>10</div> <div>11.</div> </div> <div> <div>11</div> <div>A Okay.</div> </div> <div> <div>12</div> <div>Q Is that a copy of the letter that you</div> </div> <div> <div>13</div> <div>wrote to Papal Nuncio in November of 2001?</div> </div> <div> <div>14</div> <div>A It is.</div> </div> <div> <div>15</div> <div>Q In the fourth paragraph it says, quote,</div> </div> <div> <div>16</div> <div>The allegations about Father Urrutigoity have all</div> </div> <div> <div>17</div> <div>been thoroughly investigated and found to be without</div> </div> <div> <div>18</div> <div>merit. Unquote. Was that a true statement?</div> </div> <div> <div>19</div> <div>A Yes.</div> </div> <div> <div>20</div> <div>Q And so what allegations were you</div> </div> <div> <div>21</div> <div>referring to?</div> </div> <div> <div>22</div> <div>A The allegations about Mathew Selinger</div> </div> <div> <div>23</div> <div>and the obligations that came out about -- what other</div> </div> <div> <div>24</div> <div>allegations were there? About money and so forth, I</div> </div> <div> <div>25</div> <div>don't remember anything else.</div> </div> <div> <div>40</div> <div></div> </div>

<div> <div>Case 3:02-cv-00444-LEJ Document 104 Filed 07/19/04 Page 12 of 40</div> <div>1 Q It's nothing to do with Michael</div> <div>2 Prorock at that time?</div> <div>3 A We didn't know about Michael Prorock at</div> <div>4 that time. There was nothing at all about that at</div> <div>5 that point that we knew. Will you forgive me for</div> <div>6 hollering at you? I apologize for hollering at you.</div> <div>7 I holler but I calm down very quickly. No</div> <div>8 forgiveness?</div> <div>9 Q No, I didn't feel it's up to me to</div> <div>10 forgive you. I'm not offended by --</div> <div>11 A You can, you can. You don't have to if</div> <div>12 you don't want to but you can.</div> <div>13 Q I hold no ill will.</div> <div>14 A Well, thank you. I don't hold any ill</div> <div>15 will against you, either.</div> <div>16 Q Thank you. All right, we're all</div> <div>17 friends again. I'm going to show you Exhibit 12.</div> <div>18 A Yes.</div> <div>19 Q This is a letter plus another letter</div> <div>20 attached, so I'm mostly interested in the first</div> <div>21 letter. I'm not going to ask you detailed questions</div> <div>22 about the second letter, just that it refers to</div> <div>23 Michael Prorock's dad.</div> <div>24 A I remember this letter.</div> <div>25 Q Now the cover letter on Exhibit 12 is</div> <div>41</div> </div>	<div> <div>104 Filed 07/19/04 Page 12 of 40</div> <div>2 A I don't know whether it was</div> <div>3 confidential or not.</div> <div>4 Q In the second paragraph it says, On</div> <div>5 Monday, January 14 in keeping with our diocesan</div> <div>6 policy, I spoke to Father Ensey and Father</div> <div>7 Urrutigoity of the Society of Saint John and told</div> <div>8 them I wanted them to leave the Society's home in</div> <div>9 Shohola, Pennsylvania and move to our diocesan home</div> <div>10 for retired priests until we can find out where this</div> <div>11 is going. Unquote. Now you asked them to leave the</div> <div>12 Shohola property, is that correct?</div> <div>13 A Correct.</div> <div>14 Q And to go to Scranton?</div> <div>15 A I had to get them in someplace, they</div> <div>16 had to live someplace and I told them to come to</div> <div>17 Scranton to get away from their home there, yes,</div> <div>18 according to our policies.</div> <div>19 Q What were the conditions or</div> <div>20 restrictions that they were to operate under while</div> <div>21 this was pending?</div> <div>22 A They were not to engage in any public</div> <div>23 ministry; they were not able to celebrate mass</div> <div>24 publicly or anything like that, but they could say</div> <div>25 mass privately. That's about it.</div> <div>43</div> </div>
<div> <div>from the Papal Nuncio, is that correct?</div> <div>2 A Right, yes.</div> <div>3 Q And it says, this is dated December 31,</div> <div>4 2001 is the date, and it says here, Upon review of</div> <div>5 this material you will note that the content pertains</div> <div>6 to two priests of the Society of Saint John; namely,</div> <div>7 Father Eric Ensey and Father Carlos Urrutigoity. I</div> <div>8 am aware of your letter of November 28 in which you</div> <div>9 address the earlier concerns expressed about Father</div> <div>10 Urrutigoity. Nevertheless, the recent correspondence</div> <div>11 seems to raise other issues worthy of consideration.</div> <div>12 Do you remember getting this letter?</div> <div>13 A I do.</div> <div>14 Q I'm going to show you Exhibit 13.</div> <div>15 A Okay.</div> <div>16 Q The first paragraph, the second</div> <div>17 sentence says, I thank you very much for your</div> <div>18 pastoral judgment in sending me Mr. Prorock's letter</div> <div>19 and I want to assure you that I have taken it very</div> <div>20 seriously. Now you were writing this to the Papal</div> <div>21 Nuncio, is that correct?</div> <div>22 A Yes.</div> <div>23 Q When you talk about his pastoral</div> <div>24 judgment, was it your understanding that the letter</div> <div>25 that Mr. Prorock wrote to him was supposed to be</div> <div>42</div> </div>	<div> <div>1 Q Were they allowed to wear clerical</div> <div>2 garb?</div> <div>3 A Yes.</div> <div>4 Q Was there any restrictions against them</div> <div>5 being with boys?</div> <div>6 A I don't recall specifically saying</div> <div>7 that. Obviously that was implied if it wasn't</div> <div>8 explicitly said, that they not be engaged in any kind</div> <div>9 of Apostolic ministry with boys or adults.</div> <div>10 Q But were they specifically restricted</div> <div>11 from being with minors?</div> <div>12 A I don't recall it specifically but that</div> <div>13 was certainly the indication. They were not to be</div> <div>14 involved in any ministry with anybody.</div> <div>15 Q But aside from ministry, I mean just</div> <div>16 having a cup of coffee, could they have a cup of</div> <div>17 coffee with a minor?</div> <div>18 A Well, that's a matter of judgment I</div> <div>19 suppose. Some people could say yes, some people</div> <div>20 could say no, but that's a judgment call. What do</div> <div>21 you mean by having a cup of coffee with somebody?</div> <div>22 They certainly were not restricted from living, they</div> <div>23 had to live.</div> <div>24 Q Okay, I'm going to show you Exhibit 14.</div> <div>25 A That letter from Nuncio was the first</div> <div>44</div> </div>

1 word that I ever received about Michael Proctor, I
2 never heard about that before, and we took action
3 immediately.
4 Q Okay. This appears to be minutes of
the Clergy Review Board meeting of January 22, 2002,
6 is that correct?
7 A Yes.
8 Q Have you seen these minutes before?
9 A No.
10 Q Do these minutes at least to your
11 recollection accurately reflect that meeting of the
12 Review Board?
13 A Yes.
14 Q Let me ask you about the first
15 paragraph. To your recollection is this an accurate
16 list of the members of the Review Board?
17 A Right.
18 Q Mr. O'Brien at one point said that
19 there was an error, that there should be another
20 attorney's name?
21 MR. JAMES O'BRIEN: No, no, I said
22 another attorney went out to Minnesota, not
23 on the Board listed.
24 MR. BENDELL: I'm sorry, I got
25 confused.

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BY MR. BENDELL:
2 Q Going to page 2, the last large
3 paragraph starts out, Members of the Board expressed
4 concern that Father Urrutigoity has again been named
5 in a complaint involving the practice of sleeping
6 with young men. Unquote. What was the previous
7 allegation or allegations regarding sleeping that
8 were made?
9 A Well, Dr. Bond told me that at one
10 point. He mentioned that that was going on, and I
11 don't remember who else said it but I remember it
12 came to my attention. And as soon as it came to my
13 attention, the whole members of the aldermen of the
14 Society, that is except the students perhaps, but the
15 people who were in charge, they were all called to
16 the Chancery and we had a meeting with them and
17 talked to them and they said, and they denied any
18 wrongdoing, of course, no wrongdoing.
19 But I said you have to avoid even the
20 appearance of something like that and that has to
21 stop. You can't possibly do anything like that that
would give anybody the impression that something was
23 wrong. That has to stop absolutely. And they agreed
24 with me, no question. And the same thing with
25 alcohol. See, these are allegations that are being

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1 made about you and you must understand what the law
2 in Pennsylvania is with regard to serving alcohol to
3 minors, any kind of alcohol, even parents serving
4 alcohol to minors. You must not do that at all.
5 And I made it, you can see that I can
6 get a little bit fiery at times. And I had made that
7 very clear, as clearly as I could possibly make it
8 that that must stop, you can't do that. And they
9 agreed wholeheartedly, always were very cooperative
10 with me. And if I asked them to do something, they
11 immediately put it into practice, never any question.
12 And so we did that.
13 Q So did you verify that, indeed, some of
14 the priests of the Society of Saint John were
15 sleeping with young men?
16 A I never verified it with them nobody --
17 I can't verify that because I was not there. Some
18 people have said that they did, I know Dr. Bond has
19 said that many times and several others apparently
20 have said it in different contexts, but they denied
21 that there was anything wrong. I can't say that they
22 ever said, yes, we sleep with boys. I don't remember
23 them ever admitting anything like that.
24 Q Did they ever deny that they sleep with
25 boys?

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1 A Well, I can't remember the exact words
2 of the conversation but to my knowledge they implied
3 that they were not sleeping with boys or if they did
4 it was certainly innocent. I can't recall the exact
5 words.
6 Q It was one of the two, either it was
7 innocent or they implied that they did not sleep with
8 boys?
9 A Either one of those, yes. I mean that
10 they -- not even say that it was innocent, they
11 didn't try to verify it and said that this was okay,
12 they never did that to me, never said that to me.
13 Q Did you ever ask them point blank is it
14 true that you've been sleeping with boys?
15 A I'm sure I did.
16 Q What was their answer?
17 A And I don't recall the exact answer
18 that they gave and they said, well, you know, maybe
19 sleep with boys on a trip or something, were in a
20 room with them or something like that, in sleeping
21 bags, and they went onto something like that. I
22 said, That has to stop, whatever you're doing along
23 those lines has to stop because it's highly imprudent
24 especially in this day and age. In itself it's
25 imprudent, and they said, fine, no problem we'll do

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1 that.

2 Q Now later in the paragraph it says, The
3 Board unanimously recommended that both priests
4 should be sent for a comprehensive evaluation at a
5 facility where priests have been treated in the past.
6 Unquote.

7 A Yes.

8 Q What was that facility that the Diocese
9 has --

10 MR. JAMES O'BRIEN: I think we're
11 into the whole area now --

12 MR. BENDELL: No, I'm asking for
13 the name of the facility where priests were
14 treated in the past.

15 THE WITNESS: Is it okay to answer
16 that?

17 MR. JAMES O'BRIEN: I think the
18 whole area is covered under the privilege
19 or at least we're going to talk about that,
20 so I would ask that no questions be --

21 THE WITNESS: They did go to a
22 facility.

23 BY MR. BENDELL:

24 Q Okay, right now I'm not asking about
25 any evaluation per se of these two priests, I'm

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merely asking the name, not where these priests were
2 sent, but the name, it says a facility in the past.

3 MR. JAMES O'BRIEN: Yes, I don't
4 know the relevance of that. If you can't
5 get information about these priests, what's
6 the relevance of where the other priests
7 went?

8 MR. BENDELL: I think it's relevant
9 and this is discovery, it's not trial. So
10 I think it -- if you're instructing him not
11 to answer, I'll just move on.

12 MR. JAMES O'BRIEN: Well, I think
13 at this point we will, we'll reserve the
14 right to --

15 BY MR. BENDELL:

16 Q What I'm going to do is depending on
17 what happens in our 11:15 conference, I'm going to
18 set Exhibit 14 aside, and, Bishop if I can ask you to
19 set that aside so depending on what the judge -- just
20 14, yes, and we can come back to that, if necessary.
21 I'll show you Exhibit 15.

(Whereupon, a brief recess was taken from
23 10:34 o'clock a.m. until 10:45 o'clock
24 a.m.)

25 AFTER RECESS

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BY MR. BENDELL:

2 Q Do you recognize Exhibit 15?

3 A I do.

4 Q Now was that a statement issued by the
5 Diocese in January of 2002?

6 A It was.

7 Q The fourth paragraph, second sentence
8 says, These priests deny these allegations. In
9 accord with diocesan policy, however, they have left
10 their posts until the investigation is completed and
11 appropriate action is determined. Unquote. Now when
12 you referred to left their posts, that talks about
13 this removal to Scranton that you mentioned before?

14 A That's right, they were taken out of
15 the place where they were living.

16 Q I'll show you Exhibit 16, and is
17 Exhibit 16 I guess an official announcement that you
18 released in February 15 of 2002?

19 A Correct.

20 Q I'm going to show you Exhibit 17.

21 A Okay.

22 Q Exhibit 17, the top letter is from the
23 Chancellor to Gallagher Bassett Insurance Services
24 dated February 19, 2002, is that correct?

25 A Correct.

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1 Q And it references some attached
2 documents. Now I'm going to ask you about those
3 documents now. The first attached document says,
4 it's entitled policy of the Diocese of Scranton
5 Concerning Clerics Accused of Sexual Abuse, and
6 that's dated March of 1993.

7 A Correct.

8 Q Now is that the policy that was in
9 effect when you first learned of the allegations
10 against Father Urrutigoity by Michael Prorock?

11 A Correct.

12 Q Now the next document -- I'm sorry.
13 The last document says, Key Dates Society of Saint
14 John. Now this is one of the documents that was
15 provided by attorneys for the Diocese. Do you know
16 who made up this timeline?

17 A I do not know, I presume it was
18 somebody in our office.

19 Q I'm going to show you Exhibit 18.

20 A Okay.

21 Q At the top it says, Not Used. Is that
22 your handwriting?

23 A No, it's not.

24 Q Have you ever seen this document
25 before?

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<p>1 A I don't recall seeing it but there's a 2 lot of stuff in there that I recall happening but I 3 don't recall this particular statement. 4 Q Looking through the diocesan file that 5 was produced it appears that sometimes documents 6 would go through drafts before they would get sent 7 out and sometimes you might put a comment on or 8 somebody else and then there would be a final form. 9 A Right. 10 Q So it would not be uncommon to have an 11 unused draft in your file? 12 A Not uncommon at all. 13 Q Now in the first page under Section 2 14 at the bottom it says, On August 16, 2001 the Vicar 15 General of the Diocese of Scranton at my direction 16 met with a priest of the Society of Saint John. The 17 purpose of this meeting was to investigate a report 18 made by phone to the Vicar General a day or two 19 before that this priest was sleeping in the same bed 20 with different young men who were present at the 21 Society's location in Shohola. Unquote. Do you 22 remember that meeting? 23 A I do not remember the exact meeting, 24 no, but we spoke about that earlier when this came to 25 our attention what we did.</p>	<p>1 priest this refers to? 2 A No, I'm not sure whether it was Father 3 Urrutigoity or Father Ensey but, again, as I 4 indicated earlier they admitted that sleeping took 5 place in the sense that, but innocent sleeping, that 6 they were just three or four or five or six in a room 7 or something like that. That was not denied, but 8 they certainly denied any immoral conduct. 9 Q Okay, the next paragraph says, I had 10 the most serious reason to be concerned about this 11 particular priest because on February 9, 1999 I 12 received a letter from his former superior advising 13 me that he may have had or attempted to have prior to 14 his coming to the Diocese of Scranton improper sexual 15 contact with a man. Unquote. Now the use of the 16 word I, does that indicate that had this been sent 17 out as a notice or in your paper that it would be 18 under your signature? 19 A Probably would have been and from that 20 context it apparently refers to Father Urrutigoity. 21 I mean I don't remember this particular -- 22 Q I understand that. So would that lead 23 you to believe that the sentence above that says, the 24 priest, that that refers to father -- 25 A Yes, in this context it would be</p>
<p>53 Q Well, you say this, but this is not 2 involving Prorock though? 3 A No, no, before Prorock, this is before 4 Prorock ever happened we heard that allegations were 5 being made about sleeping. I remember I called them 6 in and told them it must not happen again. 7 MR. JAMES O'BRIEN: This bishop was 8 not present at this meeting according to 9 this document. 10 BY MR. BENDELL: 11 Q Is that correct, you were not present 12 at the meeting? 13 A No. 14 Q Who was the Vicar General at that time? 15 A Bishop Dougherty. 16 Q Going to page 2 it says, The priest 17 admitted that such sleeping incidents did occur but 18 positively denied that any immoral conduct of a 19 sexual nature took place on such occasions. Which 20 priest does this refer to? 21 MR. JIM O'BRIEN: Again, this is 22 not his document, he was not present at 23 this meeting. 24 BY MR. BENDELL: 25 Q Let me ask you this: Do you know which</p>	<p>55 1 referring to him, yes. 2 Q Father Urrutigoity? 3 A Yes. 4 Q Going on to the third page at the top 5 it says, Upon hearing all this I expressed myself to 6 the priests of the Society of Saint John in the 7 strongest possible terms insisting that a priest 8 sleeping in the same room or bed with a young man was 9 at the very least extremely gross imprudence. Now my 10 question is: Did you address them altogether or did 11 you address it to their superior, how was this done? 12 A It was done, I think there may be four 13 or five of them, the leadership in the Society was 14 there, not all twenty of them, no. 15 Q I'm gong to show you Exhibit 19. As an 16 introduction to this question, let me advise you that 17 in the file there are a number of folks who wrote in 18 or E-mailed to you either positive or negative about 19 the Society of Saint John and then you sent them 20 responses. This one appears to be sent to a person 21 named Dale. Does this E-mail, does it look familiar 22 to you? 23 A No, but we do answer all our mail. If 24 anybody sends us a letter of any kind with an 25 address, they get an answer. That's a policy we</p>
<p>54</p>	<p>56</p>

1 have.

2 Q This is dated February 20 of 2002 and
3 it's under your, well, it's not under your signature,
4 there's no signatures on an E-mail, but it's under
your name. One of the sentences says, I am confident
6 the truth will come out. Do you see that?

7 A Yes.

8 Q So would you say as of February of 2002
9 to your mind the truth had not yet come out about the
10 allegations against Father Urrutigoity?

11 A That's correct.

12 Q Or about Father Ensey?

13 A Correct.

14 Q I'm going to show you Exhibit 20.

15 MR. BENDELL: Now, Counsel, I was
16 going to ask him about the Southdown
17 facility but based upon your objection I
18 will set this exhibit aside depending on
19 what the judge rules in our conference, or
20 doesn't rule, either way.

21 BY MR. BENDELL:

22 Q Okay, if you can just set that one
23 aside, Bishop, and I'll move onto 21. Exhibit 21 is
24 a letter that you wrote to a Helen Lavelle on March
25 1st of 2002, is that correct?

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A Correct.

2 Q And in there it says, second paragraph,
3 It is difficult to understand the motives behind all
4 this but I am confident the truth will come out. I
5 mean you refer to the truth will come out, again,
6 you're talking about the Father Urrutigoity
7 allegations?

8 A The whole business, yes.

9 Q I'm going to show you Exhibit 22. This
10 is an E-mail that you sent to somebody named Jim in
11 March 7 of 2002, and, again, you say, I am confident
12 the truth will come out and then we will act
13 appropriately. Is that correct?

14 A Right.

15 Q Now as of 2002, March of 2002, how was
16 the truth going to come out? I mean what process was
17 in effect?

18 A Eventually there would have to be a
19 trial and that will certainly be a big help as to how
20 the truth is going to come out. I'm confident that
21 the truth will come out eventually, at least we
22 certainly hope that it will, how do I know? But it
23 has not come out yet. Even as of we speak it has not
24 been settled.

25 Q When you say trial, you're talking

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about secular courts?

2 A Secular courts, if necessary, and we
3 can't even have a civil case, not a civil case but an
4 ecclesiastical trial unless we have a victim and we
5 don't have a cooperating victim yet. Still we don't
6 have one.

7 Q Well, the young man in question,
8 Michael Prorock, has been deposed by your very
9 capable attorneys and there's lengthy deposition
10 testimony.

11 A Right, I'm not privy to all that.

12 Q Okay. This will allow whatever
13 ecclesiastical process to go forward?

14 A It might but we can't, we have not
15 instituted that because they would not speak to me.

16 Q They being Mr. and Mrs. Prorock?

17 A That's right.

18 Q And you haven't seen their depositions,
19 either?

20 A No.

21 Q Okay, well let me ask you this: What
22 if a person alleged that a priest had molested him
23 and let's say a month later he was hit by a car and
24 died. Would you still not be able to go forward and
25 investigate the allegations?

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1 MR. COGNETTI: Object to the form
2 of the question.

3 MR. BENDELL: It's a hypothetical
4 question.

5 MR. COGNETTI: And he's not an
6 expert witness.

7 MR. BENDELL: I'm not asking him as
8 an expert.

9 MR. COGNETTI: Well, then what are
10 you asking him, are you --

11 MR. BENDELL: I'm asking him as a
12 bishop.

13 MR. COGNETTI: -- the whole
14 question.

15 MR. BENDELL: I'm asking him as a
16 bishop.

17 MR. COGNETTI: Well, then it's a
18 hypothetical question. It's a leading
19 question and it's not --
20 (Whereupon, more than one person spoke at
21 the same time and this reporter could not
22 decipher any testimony.)

23 MR. JAMES O'BRIEN: I'm sorry. He
24 said that the ecclesiastical place has not
25 come forward because he doesn't have a

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1 willing victim. That's the answer to it.
2 now. What does the other have to do
3 with --
4 MR. BENDELL: It's very relevant.
5 Are you going to instruct him not to answer
6 the question? Because I'll ask the court
7 reporter to mark it and I'll do a motion.
8 I mean it's a really obvious question. You
9 would ask it if you were sitting here.
10 THE WITNESS: I don't mind
11 answering the question.
12 MR. JAMES O'BRIEN: Okay, you can
13 answer it.
14 MR. COGNETTI: Just note my
15 objection.
16 THE WITNESS: If you had a
17 hypothetical case?
18 (Whereupon, more than one person spoke at
19 the same time and this reporter could not
20 decipher any testimony.)
21 BY MR. BENDELL:
22 Q I'll go through it again. A young man
23 alleges he was molested by a priest. He, a month
24 later, two months later was hit by a car and killed.
25 It has nothing to do with the molestation, he just

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dies from an accident. Does that mean because there
2 was no victim coming forward you could never
3 investigate the allegation?
4 A You can always investigate, there's no
5 reason why anybody can't investigate to find out
6 whether it happened or not. I don't know how you
7 would ever come to any kind of a conclusion if the
8 person can't defend themselves. But, you know, you can
9 certainly investigate. I have no problem with that
10 and I'm sure that it would be looked into. But how
11 do you find something definitive when the person
12 can't defend themselves, especially if they denied
13 the allegation?
14 Q I'm going to show you Exhibit No. 23.
15 A Um-hum.
16 Q Now this is an E-mail dated March 7 of
17 2002 that you sent to somebody named Jo Ann, and the
18 first sentence says, We certainly comply with all the
19 laws of Pennsylvania regarding background checks.
20 This applies to teachers not to parish priests.
21 These priests in question were never assigned to
teach in high school.
22 A Correct.
23 Q Now, in fact, the Society of Saint John
24 priests did teach classes at Saint Gregory's.
25

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1 They were never assigned by me to
2 teach, never.
3 Q But you knew they were teaching there.
4 A I didn't even know they were teaching
5 there. You're telling me that now, I hear it now for
6 the first time.
7 Q This is the first time you knew that
8 they were teaching classes?
9 A Teaching classes there, yes. I knew
10 they were there but.
11 Q I'm going to show you Exhibit 24. I'm
12 going to skip 24. Just bypass --
13 MR. COGNETTI: 24 is skipped?
14 MR. BENDELL: Yes, 24 is skipped.
15 MR. COGNETTI: How many exhibits do
16 you have total, Jim?
17 MR. BENDELL: Now if I tell you
18 you're going to get discouraged but it's
19 about 40-some but it's not at bad as it
20 seems.
21 THE WITNESS: This is from James
22 Kramer, I know Mr. Kramer.
23 BY MR. BENDELL:
24 Q I'm going to actually ask you about the
25 handwritten stuff, not the E-mail.

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1 A Yes, okay.
2 Q There's a handwritten note, it says,
3 Dear Jim: Now that we are in court, hopefully we
4 will learn the truth, and it's signed Bishop Timlin.
5 Is that your handwriting?
6 A Yes, it is.
7 Q Who is Jim?
8 A I don't know -- this wasn't sent to Jim
9 Kramer.
10 Q Kramer, that's right because it's
11 reflected -- the next page is the actually typed out
12 E-mail. Okay. Apparently you would hand write the
13 answers but you --
14 A I don't have a computer and I don't
15 have many ways of responding to E-mails. I don't get
16 them myself, it takes a little while for them to get
17 to me because I don't have a computer and I don't use
18 one. So when they give me these things, they're
19 usually forwarded to someplace else and they finally
20 arrive at my desk and I just write on the thing and
21 one of the persons in the office will send it out to
22 whoever --
23 Q Okay. I'm going to show you Exhibit
24 26.
25 A I'm going to become computer literate

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1 now that I'm retired anyway. It's the same thing.

2 Q This is an E-mail you sent March 25,
3 2002 to a person named Kay?

4 A I don't know who Kay is.

5 Q I'm going to show you Exhibit 27.

6 A All my E-mails.

7 Q Not all of them, some of them.

8 A Okay.

9 Q Now it says there -- first of all this
10 is a March 25, 2002 E-mail to a fellow named Gus, and
11 at one point the letter says, Now there is a lawsuit
12 in federal court so we should get to the truth.
13 Question, you're familiar with the Dallas meeting of
14 the bishops and the document issued?

15 A (Whereupon, the witness moved head
16 vertically.)

17 Q To your knowledge is there anything
18 about the protocol mandated by the Dallas Commission
19 as to what a diocese does investigating cases of
20 abuse where there's also a lawsuit pending?

21 A I am familiar with the Dallas Charter
22 but I'm not familiar with the specific thing like
23 about what we're supposed to do with regard to a
24 lawsuit. If there's a lawsuit, we have to follow the
25 laws of the land; that's what we do. Whatever that

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happens to be, it's out of our hands actually when it
2 goes into court. We have to follow the court; that's
3 my understanding of it.

4 Whatever we can do to settle the thing
5 beforehand, if it's possible to settle it, if there's
6 reasonable people involved, then we could probably do
7 that. But where we are now, we haven't gotten
8 through this yet, we're in the process. As I see it,
9 we're in the process of trying to get to the truth
10 and that's what we want to get to.

11 Q Now at this point there's nothing that
12 would prevent the Diocese from now undertaking an
13 investigation of the Argentina allegations, is there?

14 A Nobody would tell us not to do that, we
15 can do whatever we want with regard to that, sure.

16 Q But have you decided to send somebody
17 down there to investigate it?

18 A No, we have not done anything like that
19 yet at all. We're stymied at this point, that's our
20 position in this whole thing, that we have not been
21 able to proceed because first of all we didn't have a
22 victim and then when we found the victim, one victim,
23 that's the only one that's ever come forward after an
24 exhaustive search, the only one that's ever made any
25 allegations of this nature, they refused to cooperate

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1 and they just wouldn't talk.

2 I understand that they have, obviously
3 they had a lawyer and lawyers generally tell them not
4 to speak to the other party, so, again, it's kind of
5 taken out of our hands. That's why we had to kind of
6 go along with whatever they do. The ball is in their
7 court as it were.

8 Q Well, I'm only asking you about
9 Argentina now.

10 A Argentina or anything else. There's
11 nothing that would stop us from calling a grand jury
12 or anything as far as that goes, we can do whatever
13 we want to do. But have we done it? No, we have not
14 done anything like that. But could we? We could
15 possibly.

16 Q But you have no intention of doing it
17 now?

18 A I'm not the one that's going to be
19 doing anything now, I'm retired. It would be up to
20 the new bishop to decide what he wants to do. When
21 this case comes up before him, and it will come up
22 before him eventually, to see where we're going to
23 go. But it's an evolving case, it's in process, so
24 it's kind of stymied up to now, it's been stymied
25 pretty much and there's never any indication that we

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1 would have to go to Argentina.

2 Again, at least as I said earlier, I'm
3 just repeating myself now, that we presumed -- and
4 it's been born out, they actually made the decision
5 that there was nothing to keep them from orders, the
6 Society of Saint Pious X, they decided that question
7 themselves by ordaining him and even putting him in
8 their seminary to be one of their seminary
9 professors. So that in our minds, that was pretty
10 conclusive that they didn't think it was all that
11 serious themselves.

12 Q You say you're retired. Do you have
13 any official capacity with the Diocese now?

14 A None. Not official but I can help out.

15 Q You don't have a desk you have to go to
16 everyday and do work?

17 A No.

18 Q But you could perform confirmations and
19 do the other things that you do to help out?

20 A Oh, yes. Are we finished with 27?

21 Q 27 is done, here's 28.

22 A There's a typo in the first sentence.

23 Q And Exhibit 28 is a March 25 E-mail
24 2002 to somebody named Beatriz and, again, you refer
25 to, The facts will come out at the trial?

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<div> <div>Case 3:02-cv-00444-JEJ Document 104 Filed 07/19/04 Page 19 of 40</div> <div> <div>1</div> <div>A</div> <div>Same thing.</div> </div> <div> <div>2</div> <div>Q</div> <div>Let me ask you this: What would happen</div> </div> <div> <div>3</div> <div></div> <div>if a case settled and it didn't go to trial, how</div> </div> <div> <div>4</div> <div></div> <div>would the facts come out then?</div> </div> <div> <div>5</div> <div>A</div> <div>Well, I'm confident that they will come</div> </div> <div> <div>6</div> <div></div> <div>out, but if there is no further act -- there would</div> </div> <div> <div>7</div> <div></div> <div>have to be a trial, an ecclesiastical trial before</div> </div> <div> <div>8</div> <div></div> <div>anything could ever be done to any of these priests.</div> </div> <div> <div>9</div> <div></div> <div>Whatever the civil courts do, that's their business,</div> </div> <div> <div>10</div> <div></div> <div>but we would have an ecclesiastical trial and settle</div> </div> <div> <div>11</div> <div></div> <div>the matter. We couldn't let these priests hanging</div> </div> <div> <div>12</div> <div></div> <div>out there to dry, you know, we have to settle the</div> </div> <div> <div>13</div> <div></div> <div>matter one way or the other ecclesiastically, and</div> </div> <div> <div>14</div> <div></div> <div>that would be done. Again, we were stymied. They</div> </div> <div> <div>15</div> <div></div> <div>wrote to the Holy See, you're familiar with that I</div> </div> <div> <div>16</div> <div></div> <div>presume? Maybe that's in there, is that coming up?</div> </div> <div> <div>17</div> <div>Q</div> <div>I can't remember, we'll have to get to</div> </div> <div> <div>18</div> <div></div> <div>it.</div> </div> <div> <div>19</div> <div>A</div> <div>Well, all right. I have to answer your</div> </div> <div> <div>20</div> <div></div> <div>question anyway. Ask them.</div> </div> <div> <div>21</div> <div>Q</div> <div>But under this whatever protocol you</div> </div> <div> <div>22</div> <div></div> <div>instituted when you took Father Urrutigoity and</div> </div> <div> <div>23</div> <div></div> <div>Father Ensey and moved them to Scranton, is that</div> </div> <div> <div>24</div> <div></div> <div>still in place?</div> </div> <div> <div>25</div> <div>A</div> <div>No, we did not keep them in the place</div> </div> </div> <div>69</div>	<div> <div>1</div> <div>A</div> <div>No minors, no.</div> </div> <div> <div>2</div> <div>Q</div> <div>There are no minors?</div> </div> <div> <div>3</div> <div>A</div> <div>Not that I know of, no.</div> </div> <div> <div>4</div> <div>Q</div> <div>So are they forbidden -- I already</div> </div> <div> <div>5</div> <div></div> <div>asked that question. A couple months ago we had a</div> </div> <div> <div>6</div> <div></div> <div>formal discovery proceeding where the attorneys have</div> </div> <div> <div>7</div> <div></div> <div>a chance to inspect the premises and we went out to</div> </div> <div> <div>8</div> <div></div> <div>Shohola and there was a luncheon there where Father</div> </div> <div> <div>9</div> <div></div> <div>Ensey was there, Father Urrutigoity was there and</div> </div> <div> <div>10</div> <div></div> <div>there was a group of children having lunch. Do you</div> </div> <div> <div>11</div> <div></div> <div>know anything about that?</div> </div> <div> <div>12</div> <div>A</div> <div>I heard about that and, again, it's</div> </div> <div> <div>13</div> <div></div> <div>impossible for them not to have some contact -- from</div> </div> <div> <div>14</div> <div></div> <div>walking down the street with children, children can</div> </div> <div> <div>15</div> <div></div> <div>be around, they can be there, but they would always</div> </div> <div> <div>16</div> <div></div> <div>be never with children alone certainly. It's</div> </div> <div> <div>17</div> <div></div> <div>impossible for anybody who is living and walking</div> </div> <div> <div>18</div> <div></div> <div>around freely --</div> </div> <div> <div>19</div> <div></div> <div></div> </div> <div> <div>20</div> <div></div> <div>MR. JOSEPH O'BRIEN: Excuse me. We</div> </div> <div> <div>21</div> <div></div> <div>need to go off the record for the</div> </div> <div> <div>22</div> <div></div> <div>conference call.</div> </div> <div> <div>23</div> <div></div> <div>(Whereupon, a brief recess was taken from</div> </div> <div> <div>24</div> <div></div> <div>11:10 o'clock a.m. until 11:40 o'clock</div> </div> <div> <div>25</div> <div></div> <div>a.m.)</div> </div>
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1 have a record for the hearing.
2 MR. JAMES O'BRIEN: I agree. Go
3 ahead.
4 MR. COGNETTI: Your last question
5 just contradicted what you said a minute
6 ago so go ahead.
7 MR. JAMES O'BRIEN: I think I know
8 what you're saying and he certainly will
9 answer his involvement in it. That's
10 really the answer.
11 BY MR. BENDELL:
12 Q I show you Exhibit 29, and, again, this
13 is just, it's a March 25, 2002 E-mail that you sent
14 regarding the upcoming trial, is that correct?
15 A Right.
16 Q I show you Exhibit 30, okay. Now
17 Exhibit 30, the first page is an E-mail from Donald
18 Cummings. At the bottom you have a response and you
19 mention the fact that the truth would be learned at a
20 trial. But on the third page there's another E-mail
21 to Don about Father Roberts.
22 A Right.
23 Q And it says, The word you have about
24 Father Roberts is absolutely false.
25 A Right.

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Q What are you referring to about the
2 word about Father Roberts?
3 A It was some kind of an allegation that
4 Father Roberts was involved in a homosexual
5 relationship with a man by the name of Zozack or
6 something like that, and we investigated that, talked
7 to Mr. Zozack and Mr. Zozack absolutely denied that
8 there was anything like that. So I mean where do
9 they get this from?
10 Q What is Father Roberts' position with
11 the Diocese right now, if any?
12 A He's a member of the Society of Saint
13 John.
14 Q And is he at the Shohola property?
15 A He's at the Shohola property, correct.
16 Q Do you know if he was ever asked to
17 leave the institute of Christ the King?
18 A I've heard that someplace along the
19 line but I don't know for sure that that's true.
20 Q Have you asked someone to look into
21 whether it's true?
A No, I have not.
23 Q And why not?
24 A It didn't seem to be indicated at the
25 time it happened. I didn't even know it actually

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1 when he first came here, that came up much later.
2 Q But after it came up later, did you
3 look into it?
4 A No, I actually talked to him about it,
5 I remember doing that because I heard the allegation
6 and he denied that there was anything wrong, that he
7 ever did anything that was wrong. And I don't know
8 that he was dismissed from that society, I never took
9 it any further than that.
10 Q You never took it any further? Why did
11 you not take it any further?
12 A I didn't think it was indicated.
13 Q What was the nature of the allegation?
14 Was it sexual to your understanding?
15 A With the other group that he was with?
16 Q Yes,
17 A I never knew anything about that; I
18 don't know what it was about.
19 Q You told me you had a conversation with
20 him about it.
21 A With him, I must have asked him, I
22 can't remember the exact conversation, but is it true
23 that he was involved -- I'm pretty sure it was
24 probably sexual because that's the only thing that
25 they're interested in it seems. But he denied that

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1 there was anything wrong.
2 Q I'm going to show you Exhibit 31, and
3 this is a March 26, 2002 letter to Michael de Tar, a
4 physician. And, again, you mention the federal
5 lawsuit as a source of finding the truth in this
6 case, is that right?
7 A Yes.
8 Q I show you Exhibit 32, and is that a
9 copy of a letter you received from the Papal Nuncio
10 in April of 2002?
11 A Right.
12 Q I show you Exhibit 33.
13 A Okay.
14 Q This is a letter you sent in May of
15 2002 to the Papal Nuncio, is that correct?
16 A Exactly, yes.
17 Q Turning your attention to page 2, third
18 paragraph in the middle, it says, As for the merits
19 of the case, both Father Ensey and Father Urrutigoity
20 maintain their innocence. And then going to the
21 paragraph right after that, middle sentence says, As
22 I write this, no charges have been filed against
23 these priests but that still may happen. Do you see
24 that?
25 A Yes.

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1 Q The following paragraph contains
2 the following sentence that I want to ask you about.
3 I do not know if these priests are guilty or innocent
4 but we maintain they are innocent until proven
5 guilty. The previous sentence that says, I do not
6 know if these priests are guilty or innocent, that
7 was your belief in May of 2002?
8 A Yes.
9 Q Is it also your belief today?
10 A Today, yes.
11 Q I show you Exhibit 34, and that is a
12 May 28, 2002 E-mail that you sent to somebody named
13 Steve Papp, is that correct?
14 A Right.
15 Q And I'm going to show you Exhibit 35.
16 Exhibit 35 appears to be an unsent letter from James
17 Earley to Reverend Levine at the Society of Saint
18 John, is that correct?
19 A Right.
20 Q And at the bottom it says, never sent
21 upon advice of bishop. JBE. Do you recall telling
22 Mr. Earley not to send this letter?
23 A Vaguely, yes.
24 Q And why did you tell him not to send
25 the letter?

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A I didn't like the dismissive and
2 disrespectful. I didn't think that his response was
3 intentionally dismissive and disrespectful so I
4 think, I thought that was a little bit harsh.
5 Q Let me ask you this: As of this time
6 do you know if the Society of Saint John is indebted
7 to this company?
8 A As of today?
9 Q Yes.
10 A No. I know that they're not.
11 Q And when was that bill paid, do you
12 know?
13 A While I was still here in the Diocese
14 in charge. It would have been a couple of months ago
15 at least.
16 Q And who paid that bill?
17 A The Society.
18 Q As far as you know are there any other,
19 are there any outstanding debts the Society owes at
20 this time?
21 A Not that I know of. They may have some
22 incidental things, you know, recent ones, but I don't
23 know anything -- as far as I know they're debt free
24 in the sense that their major debts are all paid.
25 Now they have a huge debt on the property, the

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1 mortgage if you will, they have to pay for that.
2 Q Have they been paying the mortgage on
3 the property?
4 A Yes.
5 Q During the last two years, has the
6 Diocese contributed any funds towards the payment of
7 Society debts?
8 A Not that I'm aware of, no.
9 Q Do you know if the mortgage is
10 currently, is it current now or is it behind?
11 A As far as I know they're current.
12 Q I'm going to show you Exhibit 36. I'll
13 let you take your time to read this one, it's kind of
14 long.
15 A Okay, this letter was not sent
16 obviously. There's no letterhead on this.
17 Q Yes, I'm going to ask you about that.
18 This appears to be a draft of a letter to Cardinal
19 Bertone, is that correct?
20 A Right.
21 Q And he is at the Congregation for the
22 Doctrine of the Faith?
23 A Not now.
24 Q But he was in July of 2002?
25 A He was then; he was the second in

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1 command.
2 Q Now there are places here that have
3 little black marks, ink marks and corrections. Do
4 you recognize your handwriting there?
5 A No, it's not my handwriting.
6 Q Do you know whose handwriting it is?
7 A I am not sure. I can conjecture but
8 I'm not sure who it is.
9 Q Well, I don't want you to flat out
10 guess but does it resemble the handwriting of anybody
11 you know?
12 A It was obviously somebody in my office.
13 I would think that it might be Bishop Dougherty,
14 possibly, but I am not certain. There's no
15 indication, it could be anybody.
16 Q What I'm going to do is I'm going to
17 show you Exhibit 37 which is the actual letter that
18 went out and I'm going to ask you about both of them
19 at the same time, so if you can leave the other one
20 handy?
21 A This is not uncommon for us to write a
22 draft and go over it and change it. It's pretty much
23 the same, but there are a few little things that were
24 left out. Yes, go ahead now.
25 Q Let's take the draft letter which is

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1 Exhibit 36. On the third page, third paragraph says,
2 My personal judgment regarding the guilt or innocence
3 of Father Urrutigoity and Father Ensey is presently
4 suspended. Do you see that?
5 A **Yes.**
6 Q And you repeated that in Exhibit 37,
7 the actual letter, is that correct? Do you see that?
8 A **Yes.**
9 Q On page 2 it says, My personal judgment
10 regarding the guilt or innocence of Father
11 Urrutigoity and Father Ensey is presently suspended.
12 Okay. Now, but there is another sentence in that
13 paragraph that is contained in the draft and not in
14 the final copy that went to the Cardinal. I'm going
15 to quote the sentence --
16 MR. BENDELL: And before counsel
17 objects, I'm not going to ask him any
18 details about the contents --
19 MR. JAMES O'BRIEN: You certainly
20 can quote the sentence.
21 BY MR. BENDELL:
22 Q Okay. It says, A psychological report
23 about Father Ensey, however, indicates problems with
24 pornography and other characteristics which concern
25 me given the allegations against him.

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1 A **That never made it to the final --**
2 Q And my question is: Why was that left
3 out of the final draft?
4 A **I'm not absolutely certain but my**
5 **recollection is that we have no -- I don't have any**
6 **recollection of this pornography business. There was**
7 **never anything that I ever saw about pornography or**
8 **anything like that, and that probably was something**
9 **that was thrown out someplace. This is a draft that**
10 **was prepared by somebody but not myself and they put**
11 **down the draft and the facts and so forth. It's my**
12 **letter, however, I signed it and before I sign**
13 **anything I'm sure that it's my letter.**
14 **But that indicates it's problems with**
15 **pornography or other characteristics which concern**
16 **me. Now that's somebody else's, what they must have**
17 **heard some from somebody somewhere along the line.**
18 **There's been so much stuff that has passed our desk**
19 **about this whole business, and I presume that's where**
20 **it came from because I don't remember reading**
21 **anything about the psychological report about finding**
22 **pornography, so we left that out.**
23 Q Do you know who might have put that in
24 there to begin with?
25 A **Well, again, conjecture on my part. I**

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1 **don't remember to tell you the truth, I'm not sure**
2 **who put it in there, but it could have been somebody**
3 **in our office.**
4 Q I'm done with those exhibits. I'm
5 going to show you Exhibit 38. Now this is an E-mail
6 over your signature sent September 4, 2002, do you
7 see that?
8 A **Yes.**
9 Q Now you say here, quote, I beg you not
10 to believe the outrageous accusations being made by
11 the enemies of the Society of Saint John until you
12 have the facts. These accusations are false as false
13 can be. Unquote.
14 A **Right.**
15 Q Well, I thought you said before that
16 you had suspended judgement, you didn't know if they
17 were false or not?
18 A **A lot of the things that they were**
19 **saying, I mean with the E-mails that were going on,**
20 **I'm referring to those things that were going out**
21 **saying all kinds of terrible things. And I realize**
22 **that the accusations that the Prorock family had been**
23 **made; that accusation is an accusation, that's true.**
24 **But some of the things that they were saying, I can't**
25 **remember exactly what they were now, but if I had**

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1 **them in front of me -- certainly I think we mentioned**
2 **some of them earlier -- accusations about**
3 **homosexuality all over the place and so forth and**
4 **they just were not true.**
5 Q I'm going to show you Exhibit 39.
6 A **Okay. This is to Harry.**
7 Q This is to Father Harry?
8 A **I have no idea who Father Harry is.**
9 Q This is an E-mail over your signature,
10 and this is September 4, 2002 and, again, you say, I
11 show you that the outrageous allegations of one Dr.
12 Bond are completely false.
13 A **Yes.**
14 Q Now completely false would mean that
15 they're all false?
16 A **Well, you know, it's --**
17 MR. JAMES O'BRIEN: What
18 allegations are we speaking of? This is in
19 such general terms.
20 MR. BENDELL: I asked the bishop
21 and he says he doesn't recall what they are
22 because he doesn't --
23 MR. JAMES O'BRIEN: He knows that
24 Father Sahd sent him an E-mail back, dated
25 August 23rd saying the allegations. Unless

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1 you could tell me what the allegations are,
2 it's awful hard for him to answer.

3 BY MR. BENDELL:

4 Q Well, let me ask you this: Looking at
Exhibit 39 when you say that the allegations of Dr.
5 Bond are false, what allegations are you referring
6 to?

7 MR. JAMES O'BRIEN: If he knows.

8 MR. BENDELL: Well, he probably
9 wrote the letter, I'm just asking him. If
10 he doesn't know, he doesn't know.

11 THE WITNESS: I don't know, that's
12 why Father Harry may have put something in
13 there, in his letter. I don't have what he
14 said. It's just that E-mail responses, as
15 you can see, are very brief and to the
16 point, just to respond to them, that's all.

17 BY MR. BENDELL:

18 Q Here's Exhibit 40.

19 A Yes.

20 Q Is that a letter that you wrote to
21 Cardinal Tanner?

22 A Yes.

23 Q I show you Exhibit 41.

24 A Okay.

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Q Who is Maria Orzel?

2 A Maria Orzel is our diocesan director of
3 communications.

4 Q And is this a copy of a memo she sent
5 to you on February 6th of 2003?

6 A Yes.

7 Q And that's this year?

8 A Yes, and that's my writing.

9 Q Going down to Question 2, it says, Bond
10 raised the issue of Father Marshall Roberts who was
11 mentioned by name at the Cathedral protest, but whose
12 name was not used by the Times Leader in his coverage
13 of the event. Bond said that Father Roberts was
14 kicked out of a Florence seminary for harassment in
15 writing homosexual letters. Question: Do we know of
16 any problem with him? Was he kicked out of the
17 seminary for impropriety with a young seminarian, and
18 the handwritten answer which I believe is your
19 handwriting it says, Particular friendship but no
20 impropriety, no letters. Did you write that?

21 A Yes.

22 Q Okay. How did you come to formulate
23 that answer?

24 A I said earlier I spoke to Father
25 Roberts about the whole thing and I spoke to the man

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104 that, not about that seminarian, but he said there

2 was never any impropriety and that I spoke to the man
3 that he's being alleged to be doing something with
4 now and he denied it absolutely.

5 Q That was Mr. Zozack?

6 A That's right. But I don't know
7 anything about that, he said something, they were
8 saying particular friendship perhaps. I got that
9 from somebody, probably from Father Marshall himself.
10 There was an indication that they had a French
11 understanding with some of these things and I studied
12 with the French myself earlier and they would see all
13 kinds of things in a particular friendship, but they
14 would kind of indicate there's something wrong there,
15 you know, and indicated just because you're friendly
16 with somebody. So that's where that comes from.

17 Q Okay. Well, first of all we're going
18 to distinguish between Mr. Zozack is a situation here
19 in the United States.

20 A That's right; that's right.

21 Q This question goes to something that
22 allegedly happened in Florence, Italy.

23 A Yes.

24 Q Okay, you say they had a French
25 understanding. Who is they, who are you talking

87

1 about?

2 A Many of these people in that society
3 apparently that he belonged to before, and I don't
4 have anything specific to say about that actually,
5 it's an impression that I had from things that they
6 told me, you know? They denied, the important thing
7 is they denied the allegation of any homosexual
8 behavior of any kind.

9 Q Who denied that?

10 A Father Marshall.

11 Q Father Marshall, but you didn't contact
12 the Institute of Christ the King?

13 A No, no.

14 Q When you wrote there, no impropriety,
15 that's based upon your interview with Father Roberts?

16 A Exactly.

17 Q And when you say no letters,
18 exclamation point, that's based upon your interview
19 with Father Roberts?

20 A I believe, now I don't remember exactly
21 but I think that no letters meant that nobody has
22 ever written to us about this. We never got any
23 letters about that.

24 Q Have you been informed that in
25 discovery in this case letters written in French have

88

1 been obtained from the Institute of Christ the King

2 regarding --

3 **A No.**

4 **Q** When did you officially --

MR. JAMES O'BRIEN: Let's back up a
minute.

MR. COGNETTI: Let's stop right
there because you're saying in discovery.
Who? Where? When? How?

MR. BENDELL: Okay. I sent a
discovery question to the Institute of
Christ the King and about two months ago I
sent you all -- maybe it was a month ago --
copies of those letters. They're in
French.

MR. COGNETTI: I never got them.

MR. JOSEPH O'BRIEN: Did anybody
get them?

MR. LEESON: I would have noticed
that.

MR. BENDELL: I'll go back and
check the record but I'm pretty sure, I
remember having to Xerox all these French
records.

MR. COGNETTI: I don't know about

89

that.

THE WITNESS: I never got them,
either.

MR. LEESON: Jim?

MR. JAMES O'BRIEN: I don't recall
seeing anything. I know you did; I
remember the subpoena but --

MR. BENDELL: I think I sent it but
I'll just make a note here to make sure.

MR. COGNETTI: Maybe we did.

MR. BENDELL: You ought to remember
a letter coming in French.

MR. JAMES O'BRIEN: No, the
subpoena.

MR. BENDELL: No, the subpoena was
in English, of course.

BY MR. BENDELL:

Q I'll show you Exhibit 42.

MR. COGNETTI: Did you translate
them, Jim? I'd like to know what they
said.

MR. BENDELL: I took high school
French.

THE WITNESS: This is our new
policy.

90

1 BY MR. BENDELL:

Q That was my question. As far as you
know, this is the policy that went into effect March
1 of 2003?

A **It was revised March 1st, it's based on
the Charter.**

Q Now what has been the diocesan policy
with regard to cases that arose before March 1? Do
you go by this or do you go by the previous policy of
'93?

A **Well, this is the policy that is in
position right now and has been since March of 2003.**

Q But if an allegation was made the year
before, do you switch over to this?

A **We follow this policy now with any
allegations that come in now.**

Q I'm going to show you Exhibit 43. I'm
just going to ask you do you recognize this as the
Dallas Charter?

A **I haven't read the whole thing but --**

Q Take your time.

A **It's too long; I presume that it is the
Dallas Charter.**

Q I downloaded this from the USCC
website.

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A **I would take it probably is, yes.**

Q What is your understanding of what the
legal significance is of this document -- I'm talking
about ecclesiastical law -- as far as all the bishops
in the country, are you required to follow this?

A **We definitely follow it. Now whether
we are obliged to follow it, that's a good question.
I don't know for sure that we are absolutely, you
know, like it's church law, it's something that we
have to follow. Certainly we agree to follow it, so
we do follow it carefully and exactly, but you're
asking an interesting question.**

**I know that there are some bishops in
the country who refuse to have anything to do with
it, and they have permission from Rome to do this. I
mean they checked it with Rome, not permission, they
checked and they says it's okay.**

Q But as far as you know Scranton Diocese
follows this?

A **Absolutely we follow it.**

Q I'll show you Exhibit 44.

A **I remember this.**

Q And is this a document that you
authored?

A **Yes.**

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1 that ever came to me as far as that goes, it was

2 blocked.

3 Q The purpose of these psychological
4 exams is to determine whether or not these men might
5 be a danger to children, is that correct?

6 A Yes.

7 Q And as your role of bishop and the
8 caretaker of souls, you want to make sure you find
9 out the results of that evaluation?

10 A Eventually we will when this thing
11 comes to fruition and when it comes to a discovery of
12 the truth. This is all part of the process. The
13 process is an ongoing process. We haven't been able
14 to come to any conclusions yet because of all the
15 stuff that's been going on. I mean this whole
16 lawsuit has thrown the thing into a tizzy. That's
17 holding everything out.

18 Q Are you saying that you have not
19 requested the results of these psychological
20 evaluations?

21 A I have not gotten them. I don't know
22 whether I asked for them or not. I think I may have
23 asked for them, but when it was told that they did
24 not want me to have them, then I just said no
25 problem.

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Q So the priests told you that they
2 didn't want you to have them?

3 A The attorney, I think their counsel.

4 Q Did the reports go to the attorney?

5 A I'm not sure about that; I don't know
6 where they went.

7 MR. JAMES O'BRIEN: Which attorneys
8 are you speaking of?

9 MR. BENDELL: Any attorney.

10 MR. JAMES O'BRIEN: Not to me, but
11 go ahead.

12 BY MR. BENDELL:

13 Q Do you know if they went to Mr.
14 Cognetti?

15 A I don't know that they went to Mr.
16 Cognetti; I don't know that.

17 MR. BENDELL: For purposes of
18 motion, Mr. Cognetti, could you tell us
19 whether you have copies of these reports?

20 MR. COGNETTI: No.

21 MR. BENDELL: Have you ever seen
22 them?

23 MR. COGNETTI: I'm not answering, I
24 not under the deposition. I have an
25 attorney/client relationship and I'm not,

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2 MR. BENDELL: I'm just asking.

3 BY MR. BENDELL:

4 Q So have you been given verbal summaries
5 of these reports?

6 A I got some kind of a summary.

7 MR. COGNETTI: I believe we can
8 stipulate he has not.

9 MR. BENDELL: Well, I'm going to
10 ask him the question. I'm not going to
11 stipulate to it.

12 BY MR. BENDELL:

13 Q Have you been given verbal summaries of
14 these evaluations?

15 A I heard something someplace and I can't
16 tell you where or how I got some of it, but I did
17 hear something about the deposition. But I never got
18 a report, I never got an official report.

19 Q You said you heard something about a
20 deposition?

21 A I heard something about -- not a
22 deposition, about the report from the facility. I
23 don't remember getting any report in writing
24 certainly and I don't recall where I heard these
25 things, but I did hear something someplace along the

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1 line, and it was okay. They were all right, the
2 reports that I got. That's enough for me to get -- I
3 shouldn't even say that.

4 Q No, I just want the truth. Who gave
5 you reports that they're okay?

6 A I don't know.

7 MR. JAMES O'BRIEN: He doesn't know
8 and I think he's --

9 MR. BENDELL: Well, I'm asking the
10 question.

11 MR. JAMES O'BRIEN: But he's
12 answered it a couple times that he doesn't
13 know where he got it, he doesn't know who
14 gave it to him.

15 BY MR. BENDELL:

16 Q But you feel somebody reported to you
17 that it was okay, they were okay --

18 MR. COGNETTI: I object to the form
19 of the question. I think that falls within
20 the privilege.

21 THE WITNESS: I got something in my
22 mind of where I heard it from, I can't be
23 absolutely certain because obviously this
24 is a crucial point and I don't want to say
25 something that would be a misstep on my

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1 part that I would give wrong information, I
2 don't want to do that.
3 I want to give the right
4 information; I'm not withholding
information. But I don't want to
5 jeopardize a case because I make a mistake
6 and say something that is not true. So
7 that's where I am in the thing. I want to
8 be very careful that I don't say something
9 that would damage a person's case if it's
10 not true.
11 I just don't know about those
12 things. I'm being careful here, you can
13 see that and you can appreciate that, I
14 hope.

15
16 BY MR. BENDELL:

17 Q But it was your intention when you
18 requested these priests to have the evals that you
19 eventually get the results of the evals?

20 A Yes, I would expect that I would
21 normally do that. But in this case because of the
22 legal ramifications of it, that didn't happen.

23 Q So after this case is over, however it
24 ends, do you expect that then you will be sent the
25 evals?

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A If the persons involved release them to
2 them to me, sure I will get them, if they do it. I
3 mean if they decide that they don't want these things
4 to be out there, then I don't know that I can get
5 them.

6 Q So your position is that you sent
7 Father Ensey, for example, for a
8 psychological evaluation --

9 MR. COGNETTI: I object to the form
10 I sent. He denies that and father --

11 MR. JAMES O'BRIEN: He didn't send
12 anybody, he even told you that he --
13 (Whereupon, more than one person spoke at
14 the same time and this reporter could not
15 decipher any testimony.)

16 MR. COGNETTI: Let me speak. He
17 did not send Father Ensey or Father
18 Urrutigoity anyplace, he requested. It was
19 up to them after seeking whatever counsel
20 they wished to seek whether they would go
21 or not.

BY MR. BENDELL:

23 Q You requested that they have these
24 evaluations?

25 A Right.

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1 Q And you previously testified that it
2 was your intent to get the results of these
3 evaluations?

4 A That's the usual practice, but as they
5 say in this case because there is a legal case
6 pending, it didn't happen the ordinary way. And
7 that's what I say when you get into the legal
8 ramifications like this it does hold things back.

9 Q You sent, you requested these priests
10 to have the evaluation before the lawsuit was filed,
11 is that correct?

12 A I guess it was, yes.

13 Q So before the lawsuit --

14 A They had a lawyer.

15 MR. COGNETTI: I object to the form
16 because the allegations were made and there
17 was a pending criminal investigation at the
18 time.

19 MR. BENDELL: You're coaching the
20 witness. I ask that you --

21 MR. COGNETTI: I'm not coaching the
22 witness, you're misstating the historical
23 facts.

24 MR. BENDELL: No, it's not true.

25 MR. COGNETTI: You said lawsuit.

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1 MR. BENDELL: The lawsuit. The
2 lawsuit was not filed.

3 BY MR. BENDELL:

4 Q Was a lawsuit filed when you sent these
5 priests for the evaluation?

6 A I don't remember the timeline here. I
7 just know that -- certainly the Prorock letter had
8 come, I know that. Now whether, exactly when it took
9 place there, I don't know really know that, I'd have
10 to go back and look at all these papers and find out
11 exactly when it took place, and the timeline. But I
12 know it happened after we found out about the Prorock
13 letter.

14 Q What was the purpose of requesting that
15 the priests have an evaluation?

16 A It's our practice, and you can read
17 through our practice there as far as what we put into
18 effect in 2003. We had it in effect in 2002 -- in
19 '93 rather, that we would get a psychological
20 examination. That's standard operating procedure.
21 When somebody is accused of something like this, we
22 send them for an evaluation.

23 Q You say we get, what does that mean, we
24 get?

25 A The Diocese of Scranton, when an

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1 allegation concerning a priest, if it's a credible
 2 allegation, then we send the person for an
 3 evaluation. That's standard operating procedure.

4 Q With the goal of getting a copy of the
 evaluation?

5 A Yes, sure. We asked them actually to
 7 sign a release. When the person goes, we ask them to
 8 sign a release that I would get the results.

9 Q I presume that these priests both
 10 signed releases?

11 A I presume they did, too, but we never
 12 got them because they say, in this case there was a
 13 flag on the --

14 MR. COGNETTI: They never signed
 15 any releases.

16 BY MR. BENDELL:

17 Q I show you Exhibit 46.

18 A I wonder where this came from.

19 Q That's what I'm going to ask you. My
 20 first question is: Do you recognize the handwriting?

21 A No, I do not.

22 Q Could it be Bishop Dougherty's
 23 handwriting as far as you know?

24 A It doesn't look like it to me.

25 Q Could it be Mr. Earley's handwriting?

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A No, I don't think so. I don't know
 2 whose it is. I say I don't know who it is; I'd be
 3 guessing if --

4 Q No, I don't want you to guess; I don't
 5 want you to guess.

6 A I don't know who it is; I don't
 7 recognize it. It's not mine.

8 Q I'm going to ask you some questions
 9 about the issues that are raised here to see if you
 10 know anything about them. At the top in the
 11 right-hand corner it says, Hicks warns Father U, and
 12 then right next to it, I can't, I can't read that
 13 handwriting. But do you know anything about Mr.
 14 Hicks warning Father Urrutigoity?

15 A No, I do not.

16 Q Going down about two-thirds of the way
 17 down the page it says, there's a No. 2 that's
 18 circled.

19 A Right.

20 Q And it says Chris Manuele, dash, quote,
 21 Yes, he sleeps with boys, unquote. Do you know who
 Chris Manuele is?

23 A I do not.

24 Q And do you know where that quotation
 25 comes from?

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2 Q Right under that it says, Father U does
 3 what he wants to do. Do you know what that refers
 4 to?

5 A No, I do not.

6 Q Going to the second page, the page is
 7 divided into four sections by a horizontal line. The
 8 third section on the right-hand side, it says, Mat
 9 Selinger claims that Father U had hand on penis.
 10 Quote, assault at best, unquote. Do you know what
 11 that refers to?

12 A I have no idea.

13 Q You don't know if it refers to Father
 14 Urrutigoity?

15 A Well, it says Father U, I presume
 16 that's Father Urrutigoity but I don't know anything
 17 about what, Mathew Selinger saying this at all. And
 18 I don't know who said, Bishop is not doing anything.
 19 I have no idea.

20 Q I don't know, that's why I was asking.
 21 I don't know who wrote it, either.

22 A I have no idea who would say that. But
 23 you'd get an argument from me if he did say it.

24 Q I don't know who wrote this and I was
 25 hoping you'd recognize the handwriting. Here's

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1 Exhibit 47.

2 A Okay.

3 Q Do you know whose handwriting this is?

4 A That's my handwriting.

5 Q Do you remember when you wrote this?

6 A I have no date on the thing so it's
 7 probably sometime within the last year or two, but I
 8 have no idea what date, I didn't put a date on it. I
 9 don't know where this came from, this is something
 10 that must have wound up in the files --

11 Q I'm sorry, this is from the diocesan
 12 file. The first sentence says, Allegations of
 13 embracing women while going to confession. Who does
 14 that refer to?

15 A It refers to either Father Ensey or
 16 Father Urrutigoity, and I've discussed that with them
 17 and it was absurd. I think it refers to them, again,
 18 I can't remember, but I do remember an allegation of
 19 that nature being made and I looked into it and it
 20 was absurd. I took it up with the priests and they
 21 just were, that's incredible, absolutely incredible.
 22 Untrue, not true at all.

23 Q You talked to the priests about this?

24 A Yes, I talked to the people that I
 25 thought were involved with it, the Society of Saint

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1 John priests. I'm not sure which ones or how many,
2 but I certainly looked into it and it was just
3 ludicrous that anybody would ever say such a thing or
4 think of such a thing. Crazy.

Q Do you know if you talked to the woman
that it's referred to?

A I don't know, I don't know where it
came from, I don't know that any particular woman
came forward and said that. It was somebody -- you
know those E-mails that I've been getting from people
over there that are reading all kinds of stuff? It
could have come from something like that.

But when I saw something that was a
specific allegation, I checked it and, well, I mean
it was just laughed off the stage. How could anybody
possibly say anything like that. Untrue.

Q The second sentence says, Allegations
of sleeping with young men, dash, one boy in
particular, dash, also while staying at this person's
home.

A This is the allegation that was made
against Father Ensey, and that's where that came
from. And, again, somebody sent that in and I don't
remember where it came from. Whether it was Dr. Bond
or some E-mail that came in, we got a lot of stuff,

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you know. A lot of stuff praising them to balance
this off, but there were stuff where people were off
the wall. And that's my writing, I just made a note
of that to look into these things again.

Q Did you ask Father Ensey about his
conduct towards Michael Prorock?

A Absolutely.

Q And what did Father Ensey tell you?

A He denied any wrongdoing.

Q Did he admit that Michael Prorock --
that he went to California with him?

A He did.

Q Did you see any problem with that?

A Not any problem with him going to
California, no, not in itself I wouldn't see any
problem with it, but certainly it would be a problem
if anything untoward took place, that's a big problem
obviously. But he denied anything like that.

Q He denied any sexual contact of
Michael --

A Absolutely.

Q The next sentence says, Father Carr
wants Father Roberts removed from Saint Michael's,
and you wrote that?

A Yes.

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1 Q Why did Father Carr want him removed

2 from Saint Michael's?

A Because I think it was Jeffrey Bond who
came out with this allegation that he was a
homosexual molester of some kind and he even put
something on a sign down at the Cathedral, which was
outrageous. And Father Carr thought that it would be
better under the circumstances for him just to leave
Saint Michael's, which is a parish over at the place,
we didn't want any people coming up and saying is
this true or isn't it true or what's going on here or
something. He just thought it would be better if he
left, and he did, and that was okay.

Q And where did he go next?

A I'm trying to think where he went next.
He probably went back to Shohola, but I'm not
absolutely certain where he went from there. He had
no place else to go. He eventually wound up in a
parish in Dunmore living there and teaching actually.

Q That's where he is now?

A No, he's back in Shohola now.

Q How did he come to leave the Dunmore
parish?

A He was only there temporarily and he
was only a substitute teacher for somebody that got

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sick. And so that was all over, and he was not able
to do anything at Saint Michael's because they're
restricted in their administration of the sacraments
and they would not be able to be of any help to them
at Saint Mary's in Dunmore.

So he was just living there in
residence and unable to celebrate the sacraments or
anything like that because they only did it in Latin.
So it was time for him to leave there, that's why.
It wasn't because of any allegations or anything like
that?

Q I'm going to show you Exhibit 48.

(Whereupon, a brief discussion was held off
the record.)

THE WITNESS: Are these the
questions or what?

BY MR. BENDELL:

Q I'm going to ask you whose handwriting
this is and then I'm going to ask you about --

A It's not my handwriting. It might be
Bishop Dougherty's handwriting, it looks something
like it. But, again, I can't be absolutely certain,
lots of people write the same way. But it looks to
me like Monsignor Dougherty's or Bishop Dougherty's.

Q So I should probably ask him more about

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1 the details here, but I have a hard time reading some
2 of the handwriting but maybe I can figure out a few
3 questions, hold on.

4 **A Okay. You're going to see him**
5 **tomorrow?**

6 **Q Yes.**

7 **A I never saw this before actually.**

8 **Q Let's go to page one, two, three, four,**
9 **the fifth page.**

10 **A Okay.**

11 **Q Now having looked through this, does**
12 **this remind you of any kind of meeting that this may**
13 **reflect or the notes of a meeting? Does it ring any**
14 **bells at all as to what the source of this**
15 **information is?**

16 **A No, I can't figure that out.**

17 **Q Now at the bottom it lists several**
18 **priests, one of them it says Ensey and it says, weak.**
19 **Severely doubts R-E monastic life. Not called,**
20 **wishy-washy. Did anybody ever say that --**

21 **A Where is this? I don't see it.**

22 **Q Right here (indicated).**

23 **MR. JAMES O'BRIEN: What page is**
24 **this?**

25 **MR. BENDELL: This is on page 5,**
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the fifth page.

2 **THE WITNESS: I see Mary Schwartz**
3 **there.**

4 **BY MR. BENDELL:**

5 **Q Maybe I counted wrong, hold on. No,**
6 **it's the fifth page, it looks just like this**
7 **(indicated).**

8 **A No, that's not the same one I'm looking**
9 **at. Okay, here we are.**

10 **Q See at the bottom there?**

11 **A Yes, I see that.**

12 **Q Did you ever hear anybody say that**
13 **about Father Ensey?**

14 **A What does it say?**

15 **Q It says, Serious doubts, R-E, monastic**
16 **life. Not called, wishy-washy.**

17 **A No, that's obviously somebody's**
18 **opinion.**

19 **Q You've never heard that before?**

20 **A No.**

21 **Q Then under that it says, Fullerton,**
odd, it looks like it says impish insecurity, chronic
23 insecurity, psychological issues. Then it says,
24 sadistic something. And under that it says,
25 Sarcastic distant, indecisive or simple, I don't

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1 understand that word. Did you ever hear
2 any allegations about father --

3 **MR. JOSEPH O'BRIEN: Indecisive on**
4 **simple issues.**

5 **BY MR. BENDELL:**

6 **Q On simple issues, I'm sorry. Did you**
7 **ever hear any allegations like this about father --**

8 **A No, I never did. O'Connor?**

9 **Q Says most stable. Did you ever hear**
10 **anybody say that about Father O'Connor.**

11 **A There he is right down there.**

12 **Q Well, maybe you've heard that before?**

13 **A No, I didn't actually, but I'd agree**
14 **with it. This is not my writing, I never saw this**
15 **before so I really --**

16 **Q I'll probably go through this one real**
17 **quick then.**

18 **A Are you finished with that one?**

19 **Q Yes.**

20 **MR. COGNETTI: Can we take a moment**
21 **and we can go right through.**
22 **(Whereupon, a brief recess was taken from**
23 **12:23 o'clock p.m. until 12:33 o'clock**
24 **p.m.)**

25 **AFTER RECESS**

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1 **BY MR. BENDELL:**

2 **Q The Society of Saint John is not a**
3 **separate religious order, is that correct?**

4 **A It's not a religious order, it's a**
5 **public association of the faithful. That's the**
6 **lowest rung of canonical --**

7 **Q So the priests who are members of the**
8 **Society of Saint John are priests incarnated into the**
9 **Diocese of Scranton?**

10 **A Right.**

11 **Q Now this meeting that took place when**
12 **Bishop Dougherty and several, one or two others went**
13 **out to interview Mathew Selinger, were any notes made**
14 **of that interview, do you know?**

15 **A I presume Bishop Dougherty had his own**
16 **notes but I never the notes. He must have made notes**
17 **himself, yes, but I don't remember seeing the notes.**
18 **But he did talk to me about it. We're right next**
19 **door to each other in the office and we see each**
20 **other every day, so it's not like we're communicating**
21 **at a distance.**

22 **Q Now the second year the Society of**
23 **Saint John was in Scranton, the Society of Saint John**
24 **priests were chaplains to the Boys of Saint Gregory's**
25 **Academy, is that correct?**

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1 A They were never assigned as chaplains
2 of Saint Gregory. I never assigned them to anything
3 up there as far as that goes. They were in residence
4 there and the idea was that they were to have a place
5 to live and that they were able to become regularized
6 in the Catholic Church because their situation when
7 they come into Saint Gregory's was that they were not
8 regularized and that was what happened.

9 I never assigned them to any duties
10 there. Now the priests of the Fraternity of Saint
11 Peter may have asked them to do something here or
12 there. When they were regularized, they had the
13 faculties of the Diocese of Scranton, then they may
14 have been asked to hear confessions or to say mass
15 for them or do whatever they wanted them to do for
16 them, but that was all kind of unofficial.

17 Q Are you saying that the Fraternity of
18 Saint Peter was supervising the priests of the
19 Society of --

20 A Well, they were under their umbrella,
21 they were under their roof and living there with them
22 so it was their house. Obviously they had some
23 surveillance over them for that reason, but I mean
24 maybe surveillance wasn't the right word. They gave
25 them hospitality.

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Q But as bishop of the Diocese, since the
2 society of priests are not a separate order, they
3 would be obedient to you, is that correct?

4 A Oh, yes, and they've always been very
5 obedient. Then the priests of the Fraternity of
6 Saint Peter would be, since they're located in the
7 Diocese, anything involved in the apostolate, they
8 would come under the bishop of Scranton, also.

9 Q Other than the allegations by Mathew
10 Selinger, the Argentina allegation and the allegation
11 by Michael Prorock, has any other person made an
12 allegation against Father Urrutigoity involving
13 sexual misconduct?

14 A Not that I'm aware of, no.

15 Q How about Father Ensey, anybody --

16 A Not that I'm aware of, no. Father
17 Ensey was not in Argentina so --

18 Q I was going to say other than Michael
19 Prorock has anybody alleged sexual misconduct by --

20 A Not to my knowledge.

21 Q Well, during the time that you were
22 bishop of the diocese, do you have a protocol set up
23 where if an allegation was made, the information
24 would be brought to you?

25 A Absolutely.

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1 Did any other persons complain about

2 Father Urrutigoity's, I'll say his alleged sleeping
3 with boys, other than you mentioned Jeff Bond's
4 E-mail, did anybody else --

5 A Jeff Bond mentioned that to me and I
6 think Father Munkelt was there with him, also. That
7 didn't come out -- at one time I should say this, I
8 suppose. When this first came out, when Jeff Bond
9 first mentioned it to me, and he denies remembering
10 this but I remember it very well, he said something
11 about him sleeping with boys, and I said, Are you
12 accusing him of improper sexual activity? And he
13 said, Oh, no, no, nothing like that.

14 I said, Well, then what are you talking
15 about, you know? I mean he said they're sleeping
16 with boys. But even so we stopped it immediately, as
17 soon as we heard that, anybody would say anything
18 like that, I just made it very clear and they were
19 very obedient. The Society always was very obedient
20 and accommodating to anything I've ever asked them.
21 When I heard that, that's where it came from
22 originally, and Father Munkelt was working with
23 father, or Jeffrey Bond at that time so they were
24 together.

25 And they never brought this, this was

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1 not the reason why they were separating from the
2 Society as they told me and Bishop Dougherty. They
3 came to me and said it was all because of the
4 liturgy, not about this whole business of sleeping
5 with boys. That came up eventually, but the first
6 word that came to me about separating from them came
7 because they felt that the Society was a little bit
8 progressive as far as the liturgy was concerned, that
9 they would use English, for example, in some areas.
10 And the purists, if you will, would not contribute to
11 the Society of Saint John for that reason, because
12 they were not sticking to the 1962 exactly.

13 And they wanted to found a college
14 where they would stick to the 1962 rights exactly,
15 and there are these people who are people of means
16 who would contribute to them but they wouldn't
17 contribute to the Society. That's the reason they
18 gave for wanting to do this, that's what they gave
19 me. I heard nothing about sleeping with boys or
20 anything like that. And I said it's all right with
21 me if it's okay with the Society. Now we've gone
22 through all of that, but it was not because of this
23 idea of sleeping with boys, that came out
24 incidentally. They're sleeping with boys up there,
25 do you know that kind of thing. I said, Well, no, I

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<div>Case 3:02-cv-00444-JEI Document 104 Filed 07/19/04 Page 32 of 40</div> <div>1 don't know that, but are you excusing them of this? 2 Oh, no, no, nothing like that. 3 So that's where that all came from. 4 But you're saying have I gotten it from anybody else? Once that got out there on the Internet, and it got 5 out there from Jeffrey Bond who sent all kinds of 6 stuff, then it got around. And it's kind of slogan, 7 you know, sleeping with boys has a terrible 8 connotation connected with it. And everybody jumped 9 on the bandwagon and, of course, they all thought it 10 was Sodom and Gomorrah up there, and they were 11 accusing them of all these things that just were not 12 accurate and were not true. But, anyway, it's a long 13 answer to a short question. 14 Q That's all right, but can you imagine 15 any innocent reason why a priest would sleep in the 16 same bed with a boy? 17 A Lack of space would be one I suppose, 18 but I can't tell you why they would do this. Again, 19 I agree that it's imprudent to say the least to do 20 that, especially in the climate that we live in 2003 21 or 2001. It's very imprudent and to say that it was 22 immoral or that they did anything wrong on those 23 occasions, it would be imprudent certainly. That's 24 as far as I could go. 25</div> <div>121</div>	<div>1 actually slept one-on-one in a bed for immoral 2 purposes especially. Now traveling and there was 3 only one room and one bed, I think they indicated 4 that that may have happened on occasion. 5 But, again, that is not in itself 6 unreasonable, but people can differ on that. I think 7 people can say even that's wrong and so forth, but 8 they never admitted that they did anything immoral 9 under those circumstances. 10 Q Aside from the immoral part, did they 11 ever admit that they slept, that a priest slept with 12 a boy in the same bed? 13 A They never actually came out and said 14 that they did. 15 Q Did you ask them? 16 A I probably did but the answer never 17 came forward that they did, they just said, Oh, we 18 don't do things like that, that's all. 19 Q So when you said they never came 20 forward, they refused to answer the question? 21 A No, no, there was nothing contumacious 22 or anything like that, that I refused to answer the 23 question. Our relationship with the Society priests 24 has always been very admirable and very congenial and 25 never adversarial. They were always very 123</div>
<div>1 I can't say that anything happened 2 because they deny anything happened. If anything 3 happened that was untoward, that's wrong, very wrong, 4 and you saw my indignation earlier. I was twice as 5 mad as you would be on some of these things, no 6 question about that whatsoever. 7 Q You would draw a distinction between, 8 say, if things were overcrowded -- let me finish the 9 question first, okay? 10 A Okay. 11 Q Let's say eight or ten people are in 12 sleeping bags on the floor and it's overcrowded, you 13 would draw a distinction between that and actually a 14 man, a priest and a boy in a bed, you see that as 15 different? 16 A That's different, absolutely. 17 Q When you were talking to the priests in 18 the Society, did you make an inquiry as to figure 19 out, you know, which it was, was it A or B, precisely 20 what type of sleeping that went on? 21 A They deny that they were doing anything 22 like that, that it was anything wrong they were 23 doing. They didn't deny that they had been in the 24 same room sleeping and so forth, but they deny, I 25 don't recall them ever admitting, anyway, that they 122</div>	<div>1 cooperative, of anything that I ever asked them to 2 do, very cooperative. So I could never fault them on 3 anything like that. 4 And as I say do I know that these 5 things happen? How could I know? I could only know 6 what Mr. Selinger says, I know what the Society says, 7 and they don't match. I can't, I just don't know 8 what happened. How could I be expected to know what 9 happened in a particular hotel room someplace when I 10 wasn't there? I don't know. I mean I can say that 11 they have never admitted to me that they did anything 12 like that; they have denied doing anything like that. 13 Q Did Father Carr ever discuss with you 14 the issue of Society priests sleeping with boys? 15 A Not as such, no. 16 Q You say as such, did you discuss 17 anything related to that issue? 18 A Not to that issue, we related to the 19 Society, to the men being there. Before I allowed 20 the Society of Saint John to begin, I went to the 21 Fraternity of Saint Peter and asked them if they 22 would have any objection to starting another group 23 and allowing another group to begin in the Diocese of 24 Scranton, so that it might look like they were in 25 competition with one another and I wouldn't want 124</div>

<p>1 anything like that.</p> <p>2 So I went to Father Devillers who is</p> <p>3 the local superior in the United States and he</p> <p>4 assured me that they had no objection whatsoever to</p> <p>5 the whole thing. And I went to the Holy See, to the</p> <p>6 Ecclesia Day Commission which has oversight for all</p> <p>7 these groups, and I asked the cardinal in charge of</p> <p>8 there if he had any objection, if I had his</p> <p>9 permission, if you will. Even to start, even to</p> <p>10 start Saint Gregory's I asked him if it was okay to</p> <p>11 do that, asked him if it was okay to start a</p> <p>12 seminary, Our Lady of Guadeloupe Seminary. I didn't</p> <p>13 do any of these things without consulting with the</p> <p>14 proper authorities.</p> <p>15 So the idea of starting another group</p> <p>16 here, I got permission from cardinal -- what's his</p> <p>17 name? I'll think of it in a minute, Angeloni?</p> <p>18 Anyway he gave me permission to go ahead. So what</p> <p>19 was the question now? I forgot what the question</p> <p>20 was.</p> <p>21 Q You've answered it, don't worry. Next</p> <p>22 question: Did Joseph Sciambra ever contact you about</p> <p>23 any problems he had with the Society of Saint John?</p> <p>24 A Joseph Sciambra, you mean the boy or</p> <p>25 the father?</p>	<p>1 boys, something to that effect.</p> <p>2 Q Did you talk to Joseph, the son?</p> <p>3 A No, I never talked to the son.</p> <p>4 Q Why not?</p> <p>5 A Well, he never called me and I never</p> <p>6 talked to him, either, I just only talked to the</p> <p>7 father and the mother. He never contacted me,</p> <p>8 Joseph, the son never contacted me.</p> <p>9 Q But the parents told you that the boy</p> <p>10 complained about priests --</p> <p>11 A I think he wrote to Bishop Dougherty;</p> <p>12 you can talk to Bishop Dougherty about that, but he</p> <p>13 never talked to me.</p> <p>14 Q But did Bishop Dougherty investigate</p> <p>15 whether or not there was sleeping?</p> <p>16 A He certainly talked to him about it,</p> <p>17 yes.</p> <p>18 Q Do you know whether this Sciambra boy</p> <p>19 told Bishop Dougherty?</p> <p>20 A I don't remember exactly what he told</p> <p>21 him but I know he was not happy.</p> <p>22 Q Who was not happy?</p> <p>23 A Joseph was not happy, the boy, the son,</p> <p>24 he was not happy about his experience at the Society</p> <p>25 of Saint John, and that was clear, he was not happy</p>
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<p>1 Q The father.</p> <p>2 A The father came to see me with his</p> <p>3 wife, very happy. Everything was wonderful. His son</p> <p>4 I guess was going to become a member of the Society</p> <p>5 of Saint John and everything was fine. And I met him</p> <p>6 one other time when the Society was founded, and he</p> <p>7 came to see me in my office as a courtesy call and it</p> <p>8 was a pleasant conversation, everything was wonderful</p> <p>9 then. That's the only time I ever spoke to him</p> <p>10 directly, and I think he may have called me on the</p> <p>11 phone or wrote to me. His wife wrote to me, he</p> <p>12 wasn't feeling too well I think.</p> <p>13 And they didn't tell me at first that</p> <p>14 there was a problem, but they had a property up there</p> <p>15 that they allowed the Society to use, and they wanted</p> <p>16 the Society -- his name was on a, what do you call</p> <p>17 it, too, a note of some kind.</p> <p>18 Q A mortgage.</p> <p>19 A And he wanted out of that and they</p> <p>20 didn't tell me why at the time. Now it came out</p> <p>21 later on that they were upset about something that</p> <p>22 their son said to them.</p> <p>23 Q And what was it their son had said, do</p> <p>24 you know?</p> <p>25 A He said something about sleeping with</p>	<p>1 about that. And that's why the father and the mother</p> <p>2 reacted the way they did, he wouldn't cooperate with</p> <p>3 them after that.</p> <p>4 Q Did Alan Hicks ever contact you about</p> <p>5 any concerns he had about the Society of Saint John</p> <p>6 priests?</p> <p>7 A No.</p> <p>8 Q Did Gregory Mowat ever contact you</p> <p>9 about problems he had with the Society --</p> <p>10 A Never heard of Gregory Mowat.</p> <p>11 Q This poor lady's fingers will get tied</p> <p>12 up unless I finish the question.</p> <p>13 A I thought you were finished, but go</p> <p>14 ahead. Start all over again.</p> <p>15 Q Did Gregory Mowat ever contact you</p> <p>16 about problems that he had with the Society of Saint</p> <p>17 John?</p> <p>18 A No.</p> <p>19 Q Now the Dallas Charter, under the</p> <p>20 Dallas Charter would a priest sleeping in bed with a</p> <p>21 minor constitute abuse as defined -- your</p> <p>22 understanding of the Dallas Charter?</p> <p>23 A I'm going to give you the exact here</p> <p>24 now because we're talking about something specific.</p> <p>25 Not specifically, I mean the sleeping with the boy</p>
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1 would not be under the Dallas Charter unless
 2 something happened or unless he's sleeping with the
 3 boy with the intention of doing something wrong.
 4 That would come under the Charter. But the fact of
 just sleeping with a boy in itself would not come
 under the Charter. But if he did something wrong or
 even tried to do something wrong or set him up to do
 something wrong, that would come under the Charter.

Q Now you said that you told the Society
 priests that there would be no more sleeping with
 boys, is that right?

A Right.

Q Did you take any steps to assure
 compliance with your request?

A I recall that we asked him to put
 something in writing someplace, I thought Bishop
 Dougherty worked on that to see if they would let us
 know what they had done, what policies they put into
 effect to stop these things, the drinking and the
 sleeping with boys or whatever it was, and I
 understand that they did that.

Q Did you find out at some point that
 Society priests were giving alcohol to minors?

A I heard that allegation. That's why we
 called them in and said no way, and they completely

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complied with that and that was no problem.

Q Did they deny the allegation?

A They didn't deny that they had wine at
 the one on occasion, but it was mostly just having
 wine at a meal or something like that, which is a
 European custom, and they are actually inclined to be
 involved with European customs and having wine at the
 table and so forth. And it was in those
 circumstances that that's what we understood. I said
 even that is unlawful in the state of Pennsylvania,
 you can't do that. You go to jail, I said, for doing
 something -- parents would go to jail for doing
 something like that if they get a complaint. So
 they, okay, okay. They stopped that.

Q Did Father Munkelt ever inform you that
 he had concerns about Father Urrutigoity sleeping
 with young men?

A Yes.

Q When was that?

A Well, sometime after -- well, it was
 around the time that they were negotiating to try to
 separate the college from the Society.

Q And what was your response to this?

A I told him that we had heard that and
 that we have taken steps to see that that does not

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1 happen for sure. But that we had no indication that
 2 there was anything immoral.

Q Do you remember saying to Father
 Munkelt and Dr. Bond that the problems with the
 Society of Saint John were simply a matter of
 imprudence and you wanted to keep things quiet?

A I have no recollection of using those
 terms of keeping it quiet, but I do remember reading
 where Dr. Bond would take something like that and
 spin that out of control where I'm trying to cover
 up. No way, no cover up, that's not what we're doing
 at all. But I mean do we want to broadcast
 everything out from the rooftops, I'll tell
 everything we know about everybody? No, we don't
 want to do anything like that. That would be
 imprudent in itself.

But I don't recall, I may have said
 something like that, about keeping it quiet or
 something like that. I don't recall saying that but
 it certainly was not in the context of where we were
 covering up anything, that's not the idea. It's just
 that, you know, what's the problem here? We wanted
 to solve the problem, that's what we want to do.

Q Did you ever discuss the Michael
 Prorock allegations with Alan Hicks?

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A I don't remember. Let me see. Several
 people discussed it with Alan Hicks, Alan Hicks was
 dealing mostly with other people in the office rather
 than myself. And I'm sure that this whole allegation
 of Michael Prorock came up, you know. But I don't
 recall talking to him directly myself about it.

Q Now you earlier testified that over the
 last two years say the Diocese has not been paying
 the debts of the Society of Saint John. Has the
 Diocese, however, been giving cash or any type of
 other grants to the Society of Saint John?

A No.

Q So they've been self-sustaining as far
 as you know?

A So far. Now they're heavily in debt, I
 mean there's no question about that, but they didn't
 get any money from us.

Q Well, is the debt only the mortgage on
 the property or is there some other debt?

A It's on the property itself. It's
 about the same as what the mortgage would be on the
 property. They do have a debt that would cover the
 cost of the property. If they were to sell the
 property, that probably as I understand it would
 cover all their debts that they have now on that

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1 mortgage, if you will, whatever you want to call it.
2 Whether it's on the mortgage or not,
3 I'm not sure, but the value of the property is close
4 if not exactly the same amount of money that they
would be able to pay off their mortgage. I use the
word mortgage and I don't know whether it's a
7 mortgage or --

8 Q Mortgage, deed, or trust, I know what
9 you're talking about; the debt related to the
10 property.

11 A Right.

12 Q What are the plans of the Society of
13 Saint John for their future in this diocese?

14 A They have my approval, now there's a
15 new bishop, of course, and he's the one that's going
16 to have to make any decisions. But as far as I'm
17 concerned they're a public association of the
18 faithful and doing what they said that they would do,
19 fulfilling their mission and their mission statement,
20 and I see no reason why they should not be able to
21 continue. I don't think they've given up the idea of
22 founding a Catholic College, you'd have to ask them
23 about that.

24 But right now things are in a state of
25 suspension, if you will, holding, hold the phone, you

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know? We're just not doing anything because you have
2 to batten down the hatches, and we're in court for a
3 large amount of money. You just don't pretend that
4 nothing has happened. That has shaken everybody
5 connected with them so they're holding the phone
6 here. But they're continuing to celebrate the
7 liturgy which is one of their charisms as beautifully
8 as they can and they have people go up there who come
9 to them.

10 So education and the liturgy are their
11 two, my understanding anyway, those are the two
12 functions that they center on. Education, that they
13 haven't given up on that. Right now it's kind of
14 hard and they're up heavily in debt so they're going
15 to have to kind of hold everything until they could
16 get that debt down a little bit from where it is.
17 But it's a pretty substantial debt.

18 Q Has the Diocese tried to help the
19 Society get loans?

20 A We've helped them, yes, in the sense
21 that we have helped them get the loan for the
property in fact. We didn't sign for the loan or
23 anything like that, we were not -- it was not
24 something that we were responsible for. But we had
25 to, I think that the fact that they were an entity in

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1 him and I just don't remember him.

2 I couldn't tell you if he walked in the

3 door. I would not know him, and I never spoke to him

4 one-on-one ever that I know of. I couldn't say that

5 he was a homosexual; I don't know that.

6 Q Did you ever tell Attorney William Rice

7 that you would make sure that Jeff Bond never worked

8 as a teacher or administrator again?

9 A Who is William Rice?

10 Q He's an attorney.

11 A I don't ever remember talking to him.

12 I never heard that name before, no, so I don't

13 remember saying that to him.

14 Q Did you meet with Dr. Bond and Father

15 Munkelt between August and October of 2001 regarding

16 the sexual and financial allegations against the

17 Society of Saint John?

18 A I don't know about that date. I

19 couldn't confirm that date, that that's when it was,

20 but I do remember that we had spoken, yes. I know I

21 met Dr. Bond a few times. I'd say I know of two

22 times and possibly three times, and one of the times

23 it was at a big meeting, a whole group like this, not

24 quite this large but in a conference room like this,

25 and I had to leave, I was out going to confirmation

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or something and I had to leave. And it was a very

2 friendly meeting at that point. All of my meetings

3 with Dr. Bond have always been very friendly and we

4 got along well until that October 15th letter. From

5 then on --

6 Q Which letter is that?

7 A That's the letter when I told him that

8 I was unable to see my way clear to grant permission

9 for the college. From that time on he wouldn't even

10 talk to me. I tried to reach him by phone and I got

11 a message that you have to talk to his attorney

12 because he wouldn't talk to me. So he was unwilling

13 to speak to me or do anything after that letter.

14 Then he wrote me a letter because

15 Father Munkelt came to see me, and we went through

16 all that before, I don't want to go through it all

17 again. But Father Munkelt came and talked to me

18 about it, and I said, you know, I'm not ill disposed

19 to Dr. Bond or anybody up there. I would be happy to

20 solve this problem if we could, but right now it's

21 just off the troll, it's off the track.

22 And if it ever comes -- maybe you can

23 get it back on the track, then we would be open to

24 talking about it. And then Dr. Bond wrote to me and

25 then I answered that letter and I said, That letter

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that I wrote to you on October 15th is still in place

2 and that is there. But, yes, of course I would

3 assign a priest there to say mass; they have to go to

4 mass. Do you remember I said that? And they have to

5 do all those things and I'd be willing to do all --

6 and maybe eventually if we could work things out so

7 that we have peaceful resolution of the thing, not a

8 hostile takeover, then maybe it could be a Catholic

9 college some day. But then that was the end of that

10 and it went from bad to worse after that.

11 Q So is it your testimony that up until

12 the October 15 letter that you sent to Dr. Bond, he

13 had no problems with the Society of Saint John --

14 A I'm not saying that.

15 Q But he had no problems regarding

16 misconduct on their part?

17 A I don't even know that; he may have had

18 them. He didn't bring them to my attention.

19 Q That's what I meant to say, he

20 didn't bring them -- okay.

21 A We talked about the sleeping with boys,

22 that was around that time. And, again, I asked is

23 this something that's immoral -- oh, no, no, nothing

24 like that. And he denies that so I've been told but

25 I remember it very well.

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1 Q Let me see if I can get the timeline

2 right. He discussed the sleeping with boys before

3 you sent the October 15 letter?

4 A I can't be sure of the timeline there.

5 I just don't know exactly when it was. It was all

6 around the same time.

7 Q Because there's a guest column by

8 Father O'Connor in September of 2001 that talks about

9 Dr. Bond's campaign against the Society of Saint

10 John.

11 A There definitely is a campaign, that's

12 for sure.

13 Q The letter, I guess column, whatever

14 you want to call it, says that the campaign began in

15 late September of 2001. Does that sound familiar?

16 A It's about the same time I think that

17 we were talking about this, yes. He may, again, I

18 don't know the exact timeline there, you're getting

19 very specific. The end of September, I know my

20 letter went out on October 15th so it's pretty close.

21 He may have but I don't know. I don't recall him

22 bringing those things up, and I said he did bring it

23 up but he denied there was anything wrong.

24 But then he got very upset and carried

25 on a campaign of going -- and this is not about Jeff

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1 Bond, I don't want to sue him or sue the Society of Saint John.
2 But I know he has tried to do a great deal of damage
3 to the Society of Saint John, and to some extent he's
4 been successful, so it's not something that I want to
5 get into. I'm not -- I could sue Jeff Bond for a lot
6 of things that he has said, but I'm not a suing
7 person, I'm not going to sue anybody. Anyway, that's
8 not what we're taking about here.

9 Q Any of those meetings with Father
10 Munkelt and Jeff Bond, was Vincent Cioci there?

11 A Yes, I remember meeting him. He was at
12 a meeting when that group that we had together, we
13 were trying to figure out what to do with that
14 property up there I think. And members of the
15 Society of Saint John were there and they were trying
16 to come about the financial situation, as to whether
17 that property could be developed and things like
18 that, and he was very active in that whole
19 discussion. And he was very friendly, too.

20 Q Did Mr. Cioci later call you and
21 inform --

22 A I remember calling him --

23 Q If I could finish the question, and
24 tell you that the Society of Saint John priests were
25 sleeping with boys?

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1 A That was not really his area of
2 expertise. He was talking more about the financial
3 situation as I recall it. Sleeping with boys as I
4 recall did not enter our discussion. His point was
5 is this property a property that's suitable for
6 development or not? And his opinion, of course, was
7 it was not as I recall, so that was where our
8 discussion was. It was not about sleeping with boys,
9 it was more of the financial situation and what they
10 should be doing with the property.

11 Q Now as far as the college of Saint
12 Chester Martyr, as I understand your testimony it's
13 not that you're forbidding Dr. Bond from starting the
14 college, it's just that you're not allowing him to
15 call it a Catholic college?

16 A That's correct. I have no jurisdiction
17 over what he does as a person; he could start a
18 college -- anybody can start a college if they want
19 to, that's not my purview. But it would not be a
20 Catholic college unless it has the bishop's approval.
21 And I said that I was not able to give that approval;
22 I told him in that letter. So if he wants to go and
23 start a college, he can start a college, you know,
24 anybody could do that, and it would not be under the
25 jurisdiction of the Catholic church unless the bishop

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1 A Yes. Excuse me, not an extra diocesan
2 official, they never told me that. They asked me to
3 appoint two people that would be an investigative
4 team, if you will. One would be a notary and the
5 other one would be the investigator to contact the
6 Prorock people in response to the letter that they
7 wrote to the Vatican and the stuff that we wrote back
8 to them, too. And this came to me from the
9 congregation for the doctrine of the faith.

10 So I thought about it myself and I said
11 I could very easily send somebody from Scranton, two
12 people from here from the Diocese to go down and
13 visit, to Raleigh and visit them and get the
14 questions and so forth, and they were to send those
15 answers directly to the Vatican. But they didn't say
16 get somebody from outside the Diocese. I considered
17 sending somebody from Scranton and I decided that
18 rather than do that, I would send somebody from
19 Raleigh, that would be independent of the Diocese of
20 Scranton thinking that maybe they would rather speak
21 to somebody outside the Diocese of Scranton since we
22 were the ones that they were taking to court.

23 So I did that, and I appointed two
24 people, Vicar for Judicial Services in the Diocese of
25 Raleigh and he was to pick a notary, somebody who

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1 Q Did Bishop Dougherty ever express
2 concern to you about the issue of Society of Saint
3 John priests sleeping with boys?

4 A We discussed that, certainly.

5 Q Did he ever use the phrase, quote,
6 dorming problem, unquote?

7 A He's quoted as saying that, I read that
8 someplace, and I think that's what Jeffrey Bond said
9 something in discussions in the early part that --
10 and, again, that's completely out of context. And
11 this is one of the things that we would disagree with
12 and the way they would take things and twist it. He
13 described certain behavior, and Bishop Dougherty
14 said, Well, that behavior is grooming. He didn't say
15 that the Society of Saint John was grooming people,
16 he didn't say that Father Urrutigoity or Father Ensey
17 was grooming people. He said what he was describing
18 as behavior, certain behavior, that would be
19 grooming, which is a little bit different. Not a lot
20 different, I'm sure.

21 Q Now were you required by the Vatican to
22 point, to appoint what they call an extra diocesan
23 church official to investigate the allegations
24 against Father Urrutigoity and Father Ensey?

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1 would be able to say what happened. And again, they would take care of
2 make a long story short, they closed the door firmly
3 and said, no, they would not have anything to do with
4 them, they would not talk to them. So bang, that
door closed. That's what I mean by, I don't like to
say they weren't cooperative, they were probably
7 following their attorney's direction not to talk to
8 anybody. And so we were not able to -- and that word
9 went back to the Holy See. So that kind of slammed
10 that investigation shut for the moment at least.
11 Q Did you ever discuss with Monsignor
12 Pratico, the head of the Scranton Tribunal, the fact
13 that Dr. Bond had filed a petition accusing Father
14 Urrutigoity and Father Ensey of abusing young men?
15 A Yes.
16 Q Did you tell him not to hear the case?
17 A No.
18 Q Did he hear the case?
19 A No.
20 Q Why not?
21 A He made a judicial decision that he
22 could not according to the law.
23 Q And why was that?
24 A You'd have to ask him that. That's a
25 judicial procedure. I don't think anybody in the

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Diocese can take the bishop to court like that.

2 Q Did you ever receive correspondence
3 from a seminarian of the Diocese of Scranton
4 concerning the problem of homosexuality of the
5 Theological College of Catholic University?
6 A I don't remember calling, receiving a
7 letter, but I remember talking to a seminarian about
8 that.
9 Q And what did you do about it?
10 A I brought the matter to the authorities
11 at the theological college.
12 Q And what, did they admit that there was
13 a problem like that?
14 A No, they did not.
15 Q What did they said to you?
16 A They said that that's not a problem
17 that they're dealing with. It's not something that
18 is exactly the way this person said it was. And they
19 dealt with it and they dealt with the rector of our
20 seminary here, because we have seminarians there and
21 we were very concerned with any kind of an allegation
like that.
23 And so we did the best we could and
24 talked to them down there and put them on notice, you
25 know, that this is something that we're very

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2 it. So that was the end of that.
3 Q What year was this?
4 A Not too long ago, I'd say maybe two or
5 three years ago, something like that.
6 Q And does the Diocese of Scranton still
7 have seminarians there?
8 A Yes, we do.
9 Q And you're satisfied that there's no
10 problem of active homosexuality there?
11 A I'm reasonably -- am I certain? I'm
12 absolutely not certain of anything as far as that
13 goes, but I believe that it's safe to send
14 seminarians there. This is a matter of prudential
15 judgment, of course, some people could disagree with
16 this. And there are some seminaries that are
17 probably more lax in that area than others. The
18 Catholic University seminary has a reputation, has
19 had a reputation for being, maybe, I won't say less
20 careless, that would be a wrong word to use, not
21 careless, but that there may be more homosexual
22 activity there than we would like to see. I wouldn't
23 want to see any of it for that matter.
24 But, yes, they're still there. We
25 don't have that many there but we've had some.

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1 Catholic University is a place where you would send
2 students who are academically proficient. There
3 would be the place that they would have to carry on
4 the course of studies there which would be more
5 stringent than in some other seminaries because of
6 the university setting there. And that's why we
7 would send people there, people who were academically
8 blessed, who would be able to follow the course of
9 studies, and we've continued to do that. But not
10 that many, we don't send too many there.
11 Q What other seminaries do you send the
12 students to?
13 A We have them at Mount Saint Mary's in
14 Emmitsburg.
15 Q Maryland?
16 A In Maryland, and we have them at the
17 North American College.
18 Q In Rome?
19 A In Rome.
20 Q Now let's start with Mount Saint Mary's
21 in Maryland --
22 MR. LEESON: Can I just ask for the
23 record what's the relevance of all this? I
24 know discovery is pretty broad --
25 MR. BENDELL: Well some seminaries

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1 have a Cardinal who has Document 104
2 bishop indicates, for homosexual behavior.
3 I'm just curious what seminaries he sends
4 them to.

MR. LEESON: I know, but these guys
were not seminarians, they're diocese --

MR. JAMES O'BRIEN: This isn't
really homosexual behavior we're talking
about, either.

THE WITNESS: Exactly, exactly.

MR. BENDELL: I'm going to ask the
question, you can instruct him not to --
well, you can't instruct him --

MR. LEESON: I can't instruct
him --

MR. JAMES O'BRIEN: Go ahead, go
ahead, let's keep --

BY MR. BENDELL:
Q What other seminaries do you send them
to?

MR. COGNETTI: Continue without me,
I'm going to leave for a couple of minutes.
I'll be back.

THE WITNESS: I'm trying to think
where else we have them. We have a couple

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at Louvain.

BY MR. BENDELL:
Q At Louvain now?

A Right now, yes, we do. And when I say
that they're concerned about more homosexuality going
on there, I don't mean that there's homosexual
activity going on but that there's a reputation for
people there maybe being a little bit inclined in
that direction. I don't have any firsthand knowledge
of anything like that. We have some at Saint Mary's
in Baltimore, also, and I think that's it.

MR. LEESON: Can I also register an
objection to the extent that the witness
may be speculating on the conditions at the
other institutions. Unless there's
firsthand knowledge, unless there's eye
witness information or firsthand knowledge,
I think that speculation is not really what
he's being asked for under oath at this
deposition.

MR. JAMES O'BRIEN: Absolutely.

THE WITNESS: Can I respond? I
agree, I agree, I don't have firsthand
knowledge of any of those things, it's
speculation, it's hearsay at best.

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1 is that true about all
2 your prior answers about the other
3 seminaries?

THE WITNESS: Yes, I have no
firsthand knowledge or anything like that.
Everything that I've investigated has
always been denied. If I hear of something
like that, I did hear that there was an
allegation made by a seminarian but they
denied categorically that there was
anything wrong that was happening, but you
say is there an allegation? There was an
allegation, yes.

BY MR. BENDELL:
Q Now have you ever, do you remember
telling Ann Cosgrove that you saw no moral problem
with men sleeping with each other?

A I remember Mrs. Cosgrove, if this is
the right person, she lives here in Scranton and had
a son who was up there but was not part of the
Society. Did I say there was nothing immoral about
sleeping with boys? It would have to be in that
narrow, what I'm saying here that in itself
specifically I suppose I could not say that there was
something immoral.

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1 But as I indicated earlier, and we're
2 talking very specifically here, that if a person is
3 doing that with the wrong intention or in some kind
4 of, as you say grooming or whatever, that would be
5 very wrong, absolutely. But for a boy to sleep in a
6 bed with another male because they want to sleep,
7 period, and there's no place else to go or for
8 whatever reason, is that an immoral action in itself?
9 I couldn't say that that would be. Strictly speaking
10 now, we're speaking very strictly.

I'm not saying that it's the right
thing to do, I'm saying just the opposite, that it
would be imprudent for anybody to do that in this
day. But if you're going to be very specific and ask
me a technical question about something like that,
then I have to answer very technically. But I don't
want that to be misconstrued to the point where
people will say I'm soft on homosexuality or I'm soft
on immoral behavior in bed, I mean that would be
absurd. And I would fight that with every fiber of
my being, you know?

No question about it, that's not what
I'm saying and it's not true, and I'm saying it's
imprudent to do something like that. Now I would not
tolerate that, but to say whether it was, a person

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<div> <div>Case 3:02-cv-00444-J Document 104 Filed 07/19/04 Page 40 of 40</div> <div> <div>1 committed a sin. I don't know, I don't</div> <div>2 know that they did that. That's up to the confessor,</div> <div>3 themselves.</div> <div>4 Q Do you remember telling Ann Cosgrove</div> <div>that the police said that Michael Prorock was not</div> <div>credible?</div> <div>7 A I don't remember what I said to Ann</div> <div>8 Cosgrove actually, I remember talking to her. She</div> <div>9 came to see me, she was more concerned about her son</div> <div>10 and his relationship with Father Urrutigoity. And I</div> <div>11 don't remember what I said about anybody else, I</div> <div>12 don't recall talking about that.</div> <div>13 Q Did any policeman ever say to you that</div> <div>14 Michael Prorock was not credible?</div> <div>15 A Let me think now. I do recall a</div> <div>16 conversation with the police that investigated and</div> <div>17 they did say that he was not a credible witness</div> <div>18 because I think at the point in time he was not in</div> <div>19 good condition.</div> <div>20 Q Which policeman was this, do you</div> <div>21 remember?</div> <div>22 A It's one of the, one who went down</div> <div>23 there and investigated and talked to him and</div> <div>24 interviewed him down in Philadelphia.</div> <div>25 Q Did he tell you anything else about his</div> <div>153</div> </div> </div>	<div> <div>1 anybody. Now the mother, I talked to the mother and</div> <div>2 she's the first one that answered the telephone and</div> <div>3 she was kind of surprised to hear from me. The</div> <div>4 father was not in, and she was a very lovely lady and</div> <div>5 surprised to hear from me but seemed pleased to hear</div> <div>6 from me. And she told me that they've had difficulty</div> <div>7 with the boy all along, they were very upset, he's</div> <div>8 had so many problems and they thought -- they didn't</div> <div>9 know what the problem was.</div> <div>10 So they kind of intimidated that maybe</div> <div>11 this was the problem, maybe this is what happened to</div> <div>12 him and so forth. And I told her how sorry I was and</div> <div>13 so forth and that she said her husband would be in</div> <div>14 later that day and I called back to talk to the</div> <div>15 father. When I got to the father, I don't even know</div> <div>16 that I'm able to speak to you, or I should be</div> <div>17 speaking to you. Obviously he had been told</div> <div>18 apparently -- this is speculation on my part -- that</div> <div>19 he had been told by somebody not to speak to me. I</div> <div>20 got that impression anyway.</div> <div>21 Q Thank you. Did the Diocese of Scranton</div> <div>22 set up a financial review board to oversee the</div> <div>23 Society of Saint John spending?</div> <div>24 A Not as such, not a review board as</div> <div>25 such. I asked Bishop Dougherty and sister from</div> <div>155</div> </div>
<div> <div>1 investigation in the case?</div> <div>2 A Not really, I don't remember what he</div> <div>3 said actually, but I do remember that it fit in</div> <div>4 because the father of the boy told me himself and</div> <div>5 it's in there, I read that just this morning here.</div> <div>6 And I do remember him saying that to me on my</div> <div>7 telephone conversation, I said, Would it be all right</div> <div>8 if we went down to see Michael to talk to him? And</div> <div>9 he just kind of was taken back by the whole thing.</div> <div>10 And he said, To tell you the truth, and</div> <div>11 these were his exact words, To tell you the truth,</div> <div>12 he's not in any condition to talk to anybody. As you</div> <div>13 know they were having trouble with the boy, he was</div> <div>14 having his own problems and he was drinking</div> <div>15 excessively and whatever else he was doing, and I</div> <div>16 took that to mean that he was just not in any</div> <div>17 condition to talk to anybody. So I think that he was</div> <div>18 probably in, not in good condition when the detective</div> <div>19 talked to him and I think that's what he meant in</div> <div>20 that context. But I understand that he has turned a</div> <div>21 corner, thank God.</div> <div>22 Q Now Michael Prorock's father never said</div> <div>23 to you his son was not credible?</div> <div>24 A Oh, no, no. The father never said that</div> <div>25 to me, he said he was not in any condition to talk to</div> <div>154</div> </div>	<div> <div>1 Marywood who is in the business department and good</div> <div>2 in financial matters, I asked the two of them to go</div> <div>3 up and help them with their financial difficulties,</div> <div>4 and they did.</div> <div>5 They were up there with the members of</div> <div>6 their team and to help them see if they could curve</div> <div>7 their expenses and bring in it line with their</div> <div>8 income, and so they did. But it was not a review</div> <div>9 board as such, it was just a couple of people that we</div> <div>10 asked to go up there and help them.</div> <div>11 Q Do you remember saying to somebody that</div> <div>12 Society of Saint John was spending money like drunken</div> <div>13 sailors?</div> <div>14 A I may have said that as a facetious</div> <div>15 remark, you know, off the cuff in something, like</div> <div>16 they're spending money up there like drunken sailors</div> <div>17 in a jocose kind of way. But I realize now that</div> <div>18 things like that could be taken out of context and</div> <div>19 made to sound like that they are all drunk up there</div> <div>20 and whatever is going on. That was not my intention.</div> <div>21 I don't recall saying it or even where</div> <div>22 I said it. I may have said that, that's possible, I</div> <div>23 wouldn't deny that I said it. But it's in that</div> <div>24 context, you know, it was kind of a jocose, offhanded</div> <div>25 thing that, Gee, yes, they're spending money up</div> <div>156</div> </div>